ILLINOIS LAWS

RELATING TO

HANDICAPPED CHILDREN

Second Edition

WITH EXPLANATORY NOTES

(Published by Authority of the State of Illinois)

ILLINOIS COMMISSION FOR HANDICAPPED CHILDREN

1944


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ILLINOIS LAWS statutes, etc.

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SECOND EDITION

With Explanatory Notes

ILLINOIS COMMISSION FOR HANDICAPPED CHILDREN
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STATE OF ILLINOIS

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COMMISSION FOR HANDICAPPED CHILDREN

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FOREWORD

There are many kinds of handicapped persons and many kinds of services which they need. Some of these needs have been recognized by the people to be a responsibility of the state; others are considered the responsibility of the individual, his family, or his community—through either public or private means.

The laws of the State of Illinois relating to handicapped persons are acknowledgment of certain public responsibility for aiding them. Such legislation forms the basis for those procedures, facilities, and expenditures created or authorized at the public will.

For a people to know what ought to be done, they must first know what has already been done. This compilation is accordingly presented by the Commission for Handicapped Children, in partial fulfillment of those duties and responsibilities charged to it by the General Assembly, with a view toward furthering the public understanding of both that which has been done, through legislation, and that which still remains to be done.

Such a compilation should prove useful both to those who are interested in a fuller utilization of existing public facilities and to those who are interested in program planning and the development of new or extended facilities.

The laws quoted herein are complete with amendments through the end of the regular session of the Sixty-third General Assembly, which terminated June 30, 1943. Brief explanatory remarks concerning the operation of the laws and the appropriations implementing them have been included.

The laws have been grouped in three general sections, according to their function, namely: provisions for the education and training of handicapped persons; provisions for study, coordination, promotion, and prevention; and provisions for protection, treatment, and care.

Those who have suggestions or criticisms which might make future editions of this publication more valuable are invited to communicate with the Commission.

LAWRENCE J. LINCK,
Executive Director.

PROVISIONS FOR THE EDUCATION AND TRAINING OF HANDICAPPED CHILDREN

STATE AID TO LOCAL SCHOOL DISTRICTS

The education of handicapped children is recognized in principle to be a responsibility of the State as well as of local school districts. In fulfilling this responsibility the General Assembly has passed legislation authorizing payment to local school districts of the excess costs, within certain limits, of establishing and maintaining special schools and classes for the education of children defined variously as "physically handicapped," "deaf and having defective hearing," "blind and having defective vision," "truant, incorrigible and delinquent," and "educable mentally handicapped." Such excess costs are those over and above the cost of educating normal children in the respective school districts, and a per capita maximum is established for each type of child. Whenever the claims rendered are in excess of the amount appropriated for a particular type of child, the available funds are prorated.

Significant and far-reaching changes and additions were made in the state's legislative foundation for the education of handicapped children when the Sixty-third General Assembly passed the act for educable mentally handicapped children and amended the former crippled children's act to provide for the education of all types of physically handicapped children. Marked administrative improvements, such as the provision for conditional pre-approval of special educational programs, also resulted from that legislative action.

There remains a number of inadequacies that make the special education laws difficult of application, particularly in small school districts, with consequent failure to provide for the education of a considerable number of handicapped children.

The General Assembly has provided legislative authority sufficiently broad to insure the eligibility of practically all handicapped children for special services with State aid. The furnishing of such services to all children in need of them depends upon action by the local school districts.

No appropriation was made for the payment of the excess costs of educating mentally handicapped children when the Sixty-third General Assembly made such special services possible. It will be necessary for local school districts to establish a foundation of experience by planning and setting up special programs for such children as a proper basis for future appropriations.

Classes and Schools for Physically Handicapped Children

AN ACT to enable school boards to establish and maintain classes and schools for physically handicapped children, and providing for the payment of the excess cost thereof by the State. Approved June 19, 1923. Title as amended by act approved July 22, 1943.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

685a. Definitions—Schools for physically handicapped children.] § 1. For the purposes of this Act, "school board" means "board of education, board of school inspectors and school directors." School boards of any school district may establish and maintain classes of one or more pupils and schools for the instruction of physically handicapped children who are residents of such school district and such children, residents of other school districts, as are being educated in such school district pursuant to the provisions of this Act. As amended by act approved July 22, 1943.

685b. Management.] § 2. A school board establishing and maintaining such classes, school or schools for physically handicapped children may also employ a principal and all other necessary attendants and teachers for such schools and shall prescribe the method of discipline and the course of instruction therein, and shall exercise the same powers and perform the same duties as are prescribed by law for the establishment, maintenance and management of other classes and schools, and in addition thereto, shall have all powers necessary to carry the terms and provisions of this Act into operation and effect. As amended by act approved July 22, 1943.

685c. § 3. Repealed by act approved July 22, 1943.

685d. Qualification of teachers—Certificates.] § 4. No person shall be employed to teach any physically handicapped child unless he possesses a valid teacher's certificate and in addition such special training as the school board and the Superintendent of Public Instruction may require. As amended by act approved July 22, 1943.

685e. Report of expenses—Vouchers—Forfeitures for failure to report.] § 5. The school board shall keep an accurate, detailed and separate account of all moneys paid out for the maintenance of such classes and schools, and for the instruction, transportation and care of the pupils attending them, and shall report the same in triplicate to the county superintendent of schools on or before July 15th of each year for approval on vouchers prescribed by the Director of Public Welfare indicating the excess of cost for each elementary school pupil or high school pupil for each school year ending in June, over the last ascertained average cost of such board of any school district for the instruction of normal children in the elementary public schools or public high schools, as the case may be, of the city or school district for a like period of time of attendance, as such excess shall be determined and computed by the board.

The county superintendent of schools shall, on or before August 1st of each year, provide the Director of Public Welfare and the Superintendent of Public Instruction with copies respectively of the original vouchers for the excess cost of educating each physically handicapped child of each school district in his county.

Failure of a school board to prepare and certify the school district report of claims for the excess cost of educating physically handicapped children to the county superintendent of schools on or before July 15th in any year, and its failure thereafter to prepare and certify such report to the county superintendent of schools within ten days after receipt of notice of such delinquency sent to it by the county superintendent of schools by registered mail, shall constitute a forfeiture by the school district of its right to reimbursement by the State for such excess cost. As amended by act approved July 22, 1943.

685f. Excess cost paid by State—Application for reimbursement—Attendance of child in district outside residence—Apportionment of insufficient funds.] § 6. The aggregate excess cost of maintenance of such classes and schools as determined, computed, and reported by the school board not to exceed, however, $300 per pupil per annum, is a charge against the State of Illinois and shall be paid annually to the school board, through the office of the county superintendent of schools, on the warrant of the Auditor of Public Accounts out of any money in the treasury appropriated for such purposes, on presentation of proper vouchers approved by the Director of Public Welfare.

No such aggregate costs, however, shall be a charge against the State unless the school board claiming them has first submitted through the office of the county superintendent of schools, to the Director of Public Welfare an application for reimbursement from the State, which application sets forth a plan for special education established or maintained in accordance with this statute.

In considering applications of school districts submitted to him, the Director of Public Welfare shall call upon the Superintendent of Public Instruction to pass upon those facts set forth in the application which concern curriculum, certification of teachers, and other educational aspects of the plan, and upon the Division of Services for Crippled Children to pass upon the medical eligibility of each child to be educated under the plan.

If a child attends in a school district other than that of his residence, a class for physically handicapped children, or a class in which some special instruction needed by him because of his handicap is provided, the school board of the district of his residence shall pay to the school district maintaining the class or school which he attends his tuition in a sum equal to the cost of educating a normal child of like grade in the district of his residence. If the per capita cost of educating a normal child of like grade in the district of his residence is smaller than the per capita cost of

educating a normal child of like grade in the district where he attends, the amount of the difference may be included as part of the excess cost claimed by the school district where the child attends such class or school.

If the money appropriated by the General Assembly for such purposes is insufficient, such money shall be apportioned to each school district on the basis of the claims filed for the excess cost, each district receiving a proportional part of the appropriated funds. As amended by act approved July 22, 1943.

685g. Physically handicapped child defined.] § 7. For the purpose of this Act a physically handicapped child means any child of sound mind between the ages of 5 and 21 years who suffers from any physical disability making it impracticable or impossible for him to benefit from or to participate in the normal classroom program of the public schools in the school district in which he resides and whose education requires a modification of the normal classroom program, but does not mean a child who is blind, with defective vision, deaf, or with defective hearing within the provisions of "An Act to enable school directors, boards of education and boards of school inspectors to establish and maintain classes and schools for children, deaf, having defective hearing, blind and having defective vision, and providing for the payment of the excess cost of such classes and schools," approved April 23, 1929, as amended. As amended by act approved July 22, 1943.

685h. Superintendent of Public Instruction to supervise—Approval of claims.] § 8. All classes and schools established according to the provisions of this Act, shall be subject to the supervision of the Superintendent of Public Instruction who shall prescribe the standards and approve the conditions under which such classes and schools are conducted and shall certify to the Director of Public Welfare whether the special educational services furnished were or were not in accordance with the prescribed standards.

Before approving any claim for the payment of excess costs, the Superintendent of Public Instruction shall determine whether the child for whose special education the claim is made is physically handicapped and whether special education was needed by and rendered to the child. As amended by act approved July 22, 1943.

685i. Auditor authorized to issue warrants.] § 9. The Auditor of Public Accounts is hereby authorized and directed to draw his warrants on the State Treasurer on or before the first Monday in September of each year for the respective sums of excess cost theretofore reported to him, as provided in Section 6 of this Act, upon the order of the Director of Public Welfare.

(*Ill. Rev. Stat.* 1943; Chap. 122, Sec. 685a-685i.)

Classes and Schools for Deaf and Blind Children

AN ACT to enable school directors, boards of education and boards of school inspectors to establish and maintain classes and schools for children, deaf, having defective hearing, blind and having defective vision, and providing for the payment of the excess cost of such classes and schools. Approved April 23, 1929. Title as amended by act approved July 16, 1941.

Be it enacted by the People of the State of Illinois represented in the General Assembly:

675. School authorities authorized to maintain.] § 1. Boards of education, school directors and boards of school inspectors, whether acting under the general law or under a special charter, shall be empowered to establish and maintain classes and schools for children, deaf, with defective hearing, blind, and having defective vision, who are residents of their respective school districts. As amended by act approved July 16, 1941.

676. Acquisition of school sites.] § 2. Such boards of education, school directors and boards of school inspectors may acquire sites for such schools anywhere within the counties in which their respective school districts are situated in the same manner as is provided in the case of the acquirement of public school sites in said respective school districts, and authority is hereby expressly granted for this purpose.

677. Administration—Teachers, etc.] § 3. The boards of education, school directors and boards of school inspectors establishing and maintaining such classes, school or schools, may employ a superintendent and all other necessary officers, agents and teachers for such schools and classes, and shall prescribe the method of discipline and the course of instruction therein, and shall exercise the same powers and perform

the same duties as are prescribed by law for the establishment, maintenance and management of other classes and schools, and in addition thereto, shall have all powers necessary to carry the terms and provisions of this Act into operation and effect.

678. Tuition of non-resident children, transportation.] § 4. If a child resident of one school district attends in another of said school districts a class for the blind, or deaf, or for those with defective hearing, or for those with defective vision, or a class in which some special instruction needed by the child because of his handicap is provided, the board of education, directors or board of school inspectors of the school district in which he resides shall pay to the school district maintaining the school or class he attends his tuition in a sum equal to the tuition in the school district in which such class is located for a child of normal instruction needs. The board of education, directors or boards of school inspectors of the school district in which such child resides shall pay for his transportation to the class in the other school district, unless the school officials of the school district in which the class he attends is located provide his transportation to the class. As amended by act approved July 16, 1941.

679. Qualifications of teachers—Age and mentality of pupils.] § 5. No person shall be employed to teach any class or classes in such school or schools who shall not have first obtained a certificate of qualification for teaching in such school or schools, as provided by law. But no person shall be authorized or employed to teach the deaf or those children with defective hearing, who shall not have received instruction in the method of teaching the deaf for a term of not less than one year, and no one shall be employed to teach the blind or those having defective vision, who has not had the benefit of special training approved by the Superintendent of Public Instruction.

All classes or schools maintained for children, deaf, with defective hearing, blind, or with defective vision shall be established for the benefit of such children who are between the ages of three and twenty-one years and who are of sound mind. As amended by act approved July 16, 1941.

680. Reports to Department of Public Welfare—Excess cost.] § 6. Each board of education, school directors and board of school inspectors shall keep an accurate, detailed and separate account of all monies paid out by it for the maintenance of such classes and schools and for the instruction and care of the pupils attending them, and shall report the same to the Department of Public Welfare for the approval, on vouchers, prescribed by said Department, on or before the third Monday in August in each year, together with the excess of cost for each and every pupil for each school year, ending in June, over the last ascertained average cost thereof, for the instruction of normal children in the elementary public schools of its school district for a like period of time of attendance, as such excess shall be determined and computed by said board of education, school directors or board of school inspectors.

681. State to pay excess cost—Limitation.] § 7. The aggregate excess cost of the maintenance of such classes and schools, as determined, computed and reported by the said school officials, as provided in Section 6 of this Act, shall be, and the same is hereby, made a charge against the State of Illinois, and such excess costs shall be paid annually to such board of education, school directors or board of school inspectors, as the case may be, on the warrant of the Auditor of Public Accounts out of any money in the treasury appropriated for such purposes on presentation of proper vouchers approved by the Department of Public Welfare: Provided, however, that such excess cost for each pupil shall not exceed the following amounts: For deaf pupils, and those having defective hearing, $225.00 a pupil; for blind pupils, and those having defective vision, $250.00 a pupil. If a child is both blind or has defective vision and deaf or has defective hearing, he shall be counted as a full time pupil among those with each kind of a defect, in determining the State's contribution to the classes for such children, provided the work and attention necessary for both types of children are afforded him. As amended by act approved July 16, 1941.

682. Supervision.] § 8. All classes and schools established according to any of the provisions of this Act shall be subject to the general supervision of the Superintendent of Public Instruction.

682a. Issuance of warrants.] § 9. The Auditor of Public Accounts is hereby authorized and directed to draw his warrants on the State Treasurer on or before the first Monday in September of each year for the respective sums of excess cost

theretofore reported to him, as provided in Section 7 of this Act, upon the order of the Department of Public Welfare.

(*Ill. Rev. Stat.* 1943; Chap. 122, Sec. 675-682a.)

Classes and Schools for Delinquent Children

AN ACT to enable school directors and boards of education to establish and maintain classes and schools for certain truant, incorrigible, or delinquent children and providing for the payment from the State Treasury of the excess cost of maintaining and operating such classes and schools over the cost of maintaining and operating elementary classes and schools for normal children. Approved June 2, 1911. Title as amended by act approved July 21, 1941.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

686. Truant, incorrigible or delinquent children, schools for.] § 1. Boards of education, school directors, and boards of school inspectors, whether acting under the general law or a special charter, shall be empowered to establish and maintain classes and schools for truant, incorrigible or delinquent children, residents of such school districts, transferred to, enrolled in and attending the classes and schools hereby authorized, upon the recommendation or approval of the Superintendent of Schools in school districts constituted in cities exceeding 500,000 inhabitants, and upon the recommendation or approval of the County Superintendent of Schools in all other school districts, or committed to such classes or schools by course of competent jurisdiction. As amended by act approved July 21, 1941.

687. Acquisition of sites for schools.] § 2. Such boards of education may acquire site or sites for such schools anywhere within the counties in which said cities are situated in the same manner as is provided in the case of the acquirement of public school sites in said cities, and authority is hereby expressly granted for this purpose.

688. Powers and duties of board of education—Employes, etc.] § 3. The board of education establishing and maintaining such classes, school or schools, may also employ a superintendent and all other necessary officers, agents and teachers for such schools, and shall prescribe the method of discipline and the course of instruction therein, and shall exercise the same powers and perform the same duties as are prescribed by law for the establishment, maintenance and management of other classes and schools, and, in addition thereto, shall have all powers to carry the terms and provisions of this Act into operation and effect.

689. Qualification for teachers.] § 4. No person shall be employed to teach any class or classes in such school or schools who shall not have first obtained a certificate of qualification for teaching in such school or schools as provided by law.

690. Reports—Approval of vouchers.] § 5. The board of education shall keep an accurate, detailed and separate account of all moneys paid out by it for the maintenance of such classes and schools, and for the instruction and care of the pupils attending them, and shall report the same to the Superintendent of Public Instruction for approval, on voucher forms prescribed by said Superintendent of Public Instruction, on or before the third Monday in August of each year, together with the excess of cost for each and every such pupil for each school year ending in June, over the last ascertained average cost to such board of education for the instruction of normal children in the elementary public schools in the city for a like period of time of attendance as such excess shall be determined and computed by said board of education. As amended by act approved July 21, 1941.

691. State to pay excess cost—Limitation.] § 6. The aggregate excess cost of the maintenance of such classes and schools as determined, computed and reported by the board of education as provided in Section 5 of this act shall be and the same is hereby made a charge against the State of Illinois and such excess cost shall be paid annually to such board of education on the warrant of the Auditor of Public Accounts out of any money in the Treasury appropriated for such purposes, on presentation of proper vouchers approved by the Superintendent of Public Instruction: Provided, however, that such excess cost for each pupil shall not exceed the following amount:

For delinquent children.....$190.00 a pupil. As amended by act approved July 21, 1941.

692. Supervision.] § 7. All classes and schools established according to any of the provisions of this Act, shall be subject to the supervision of the Superintendent of Public Instruction.

693. Warrants.] § 8. The Auditor of Public Accounts is hereby authorized and directed to draw his warrants on the State Treasurer on or before the first Monday in September of each year for the respective sums of excess cost theretofore reported to him, as provided in Section 6 of this Act, upon the order of the Superintendent of Public Instruction. As amended by act approved July 21, 1941.

(*Ill. Rev. Stat.* 1943; Chap. 122, Sec. 686-693.)

Classes and Schools for Mentally Handicapped Children

Although no appropriation was made to implement the act for the 1943-45 biennium, the following measure marks a forward step in providing special education for handicapped children in that it enables school boards to set up classes for the educable mentally handicapped and provides for payment by the State of excess costs when funds are made available for that purpose.

AN ACT authorizing school boards to establish and maintain special educational facilities for educable mentally handicapped children, and providing for payment of the excess costs thereof by the State. Approved July 24, 1943.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

685j. Definitions.] § 1. For the purposes of this Act:

"Educable mentally handicapped child" means any child between the ages of 5 and 21 years who because of retarded intellectual development as determined by individual psychological examination is incapable of being educated profitably and efficiently through ordinary classroom instruction but who may be expected to benefit from special educational facilities designed to make him economically useful and socially adjusted.

"Special educational facilities" means special schools, special classes or special instruction within the regular classes.

"School board" means school directors, board of education and board of school inspectors.

685k. School boards may maintain.] §2. School boards may, whether acting under the general law or a special charter, establish and maintain special educational facilities for educable mentally handicapped children.

685l. Powers and duties of school boards.] § 3. School boards establishing and maintaining such special educational facilities may employ the necessary supervisors, teachers and personnel therefor, and shall prescribe the method of discipline and course of instruction therein, and shall exercise the same powers and perform the same duties as are prescribed by law for the establishment, maintenance and management of other educational facilities and in addition thereto shall have all powers necessary to carry out the provisions of this Act.

685m. Nonresidents of school district—Transportation.] § 4. If a child resident of one school district, because of his handicap attends in another school district a class or school for educable mentally handicapped children, the school board of the school district in which he resides shall pay to the school district maintaining the school or class he attends his tuition in a sum equal to the normal per capita cost of educating normal children in the district of his residence. If the normal per capita cost in the school district maintaining such a class or school is greater than the normal per capita cost in the district of the child's residence, then the school district which provides the special education to the child may claim the difference as part of the excess cost.

The school board of the school district in which any such child resides shall pay for his transportation to the class in the other school district, unless the school board of the other district provides his transportation to the class. The cost of transportation may be included as part of the excess cost.

685n. Teachers.] § 5. No person shall be employed to teach educable mentally handicapped children unless he holds a valid teacher's certificate as provided by law,

and has received special instruction in methods of teaching the educable mentally handicapped as defined and approved by the Superintendent of Public Instruction.

685o. Supervision by Superintendent—Approval by psychological examiner.] § 6. All special educational facilities shall be subject to the general supervision of the Superintendent of Public Instruction. He shall be responsible for determining the eligibility of children to receive special education, except as he may delegate that responsibility to establish[ed] child study bureaus or similar agencies; provided, however, that no child shall be eligible for such special education except upon the recommendation of or with the approval of a qualified psychological examiner. "Qualified psychological examiner" means a person who has graduated with a master's or higher degree in psychology or educational psychology from a higher institution of learning which maintains equipment, course of study and standards of scholarship approved by the Superintendent of Public Instruction, who has had at least one year of full-time supervised experience in the individual psychological examination of children, of a character approved by the Superintendent of Public Instruction, and who has such additional qualifications as may be required by the Superintendent of Public Instruction.

655p. Report of expenses—Vouchers.] § 7. Each school board shall keep an accurate, detailed and separate account of all monies paid out by it for the maintenance of such classes and schools for the instruction and care of the pupils attending them, and for the cost of transportation of such pupils, and shall make a report thereof in duplicate to the county superintendent of schools on or before July 15th of each year, for approval on vouchers prescribed by the Superintendent of Public Instruction, the vouchers indicating the excess cost, computed in accordance with rules prescribed by the Superintendent of Public Instruction, for each pupil for the school year ending in June of such year, over the last ascertained average cost thereof for the instruction of normal children in like grades of public schools of its school district for a like period of time of attendance. The county superintendent of schools shall provide the Superintendent of Public Instruction with a copy of the original of such vouchers on or before the 1st day of August of each year.

Failure on the part of the school board to prepare and certify the school district report of claims for the excess cost of educating educable mentally handicapped children to the county superintendent of schools on or before July 15th of any year, and its failure thereafter to prepare and certify such report to the county superintendent of schools within ten (10) days after receipt of notice of such delinquency sent to it by the Superintendent of Public Instruction by registered mail, shall constitute a forfeiture by the school district of its right to be reimbursed by the State for the excess cost of educating educable mentally handicapped children for such year.

The Superintendent of Public Instruction before approving any such vouchers shall determine whether such child is in fact mentally handicapped and educable and whether the special educational service set forth in the application for State aid under this Act was in fact rendered him by the school board.

685q. Excess cost to be paid by State.] § 8. The aggregate excess cost, not to exceed $100 for each such pupil, of the maintenance of such classes and school, as determined, computed, and reported by the school boards and approved by the Superintendent of Public Instruction is a charge against the State of Illinois, to the extent that appropriations are made available for the purposes of this Act. Claims for such excess cost shall be paid annually to the school boards, on the warrant of the Auditor of Public Accounts, out of any money in the treasury appropriated for such purposes on presentation of proper vouchers approved by the Superintendent of Public Instruction.

No such aggregate costs, however, shall be a charge against the State unless the school board claiming them has first submitted, through the office of the county superintendent of schools, to the Superintendent of Public Instruction an application for reimbursement from the State, which application sets forth a plan for special education established or maintained in accordance with this Act, and unless such plan is approved by him.

If the money appropriated by the General Assembly for the purposes of this Act proves insufficient, it shall be apportioned to each school district on the basis of the amounts of the claims filed for the excess cost.

685r. Rules.] § 9. The Superintendent of Public Instruction shall make such rules as are necessary to carry out the purposes of this Act.

(*Ill. Rev. Stat.* 1943; Chap. 122, Sec. 685j-685r.)

	1943-45 Biennium	1941-43 Biennium		1939-41 Biennium	
Physically Handicapped					
Appropriations	$1,141,500	$1,101,450*		$1,098,000	
		1943	1942	1941	1940
Expenditures	.....	$523,921.33	$532,680.99	$519,158.81	$529,144.45
Deaf and Hard of Hearing					
Appropriations	$364,100	$127,500		$119,250	
		1943	1942	1941	1940
Expenditures	.....	$58,258.78	$59,816.22	$56,601.94	$55,803.00
Blind and with Defective Vision					
Appropriations	$403,550	$374,350		$328,150	
		1943	1942	1941	1940
Expenditures	.....	$173,610.27	$170,578.73	$153,231.73	$145,597.60
Truant, Delinquent and Incorrigible					
Appropriations	$399,000	$99,200		$92,700	
		1943	1942	1941	1940
Expenditures	.....	$49,555.93	$48,774.42	$45,942.22	$45,871.04

* $13,060 additional appropriated for supervision.

VOCATIONAL EDUCATION AND REHABILITATION

The Board of Vocational Education administers the Federal and State financed program for vocational education in Illinois. This program was established in accordance with the Federal Smith-Hughes Act of 1917, and expanded under the George-Deen Act of 1936. The program provides vocational education for high school age persons and adults in the following fields: agriculture, trade and industry, home making, and distributive occupations or sales services. The appropriation to implement the program for the 1943-45 biennium was $930,936.

Vocational Education AN ACT in relation to vocational education. Approved March 6, 1919.

694. Acceptance—Federal Vocational Education Law.] § 1. *Be it enacted by the People of the State of Illinois, Represented in the General Assembly*: That all of the provisions and benefits of an act of Congress entitled, "An Act to provide for the promotion of vocational education; to provide for cooperation with the States in the promotion of such education in agriculture and the trades and industries; to provide for cooperation with the States in the preparation of teachers of vocational subjects; and to appropriate money and regulate its expenditures," approved February 23, 1917, as amended, hereinafter referred to as the Federal Vocational Education Law, are hereby accepted by the State of Illinois.

695. Board of Vocational Education.] § 2. There is hereby established the Board of Vocational Education. The Board of Vocational Education shall consist of the Director of Registration and Education, the Superintendent of Public Instruction, the Director of Agriculture, the Director of Labor, and the Director of Insurance.

The Director of Registration and Education shall be the chairman of the Board of Vocational Education, and the Superintendent of Public Instruction shall be its executive officer.

The Director of Registration and Education, the Director of Agriculture, the Director of Labor, the Director of Insurance, and the Superintendent of Public Instruction, shall serve as members of the Board of Vocational Education during the respective terms of office for which they shall have been appointed or elected, as the case may be. As amended by act approved June 8, 1943.

696. Members of board to serve without compensation.] § 3. The members of the Board for Vocational Education shall serve without compensation, but they shall be reimbursed for their actual and necessary expenses incurred in the discharge of duties under the provisions of this Act.

697. Duties of Board of Vocational Education.] § 4. The Board for Vocational Education shall have power and it shall be its duty:

(a) To cooperate with the Federal Board for Vocational Education in the administration of the provisions of the Federal Vocational Education Law, to the extent and in the manner therein provided;

(b) To promote and aid in the establishment of schools and classes of the types and standards provided for in the plans of the Board of Vocational Education, as approved by the Federal Board for Vocational Education, and to cooperate with State and local school authorities in the maintenance of such schools and classes;

(c) To conduct and prepare investigations and studies in relation to vocational education and to publish the results of such investigations and studies;

(d) Upon the recommendation of the executive officer to appoint, without reference to any civil service law which is now or which hereafter may be in force in this State, such technical assistants as may be necessary, and to prescribe their duties, compensation and terms of employment;

(e) Upon the recommendation of the executive officer to appoint, without reference to the provisions of any civil service law which is now or which hereafter may be in force in this State, such clerks and stenographers and other employes as may be necessary, and to prescribe their duties, compensation and terms of employment;

(f) To promulgate reasonable rules and regulations relating to the enforcement of the provisions of this Act;

(g) To report, in writing, to the Governor, annually on or before the first day of December, and at such other times and in such manner and upon such subjects as the Governor may require. The annual report shall contain (1) a statement of the extent to which vocational education has been established and maintained in the State; (2) a statement of the existing condititon of vocational education in the State; (3) a statement of suggestions and recommendations with reference to the development of vocational education in the State; and (4) an itemized statement of the amounts of money received from Federal and State sources, and of the objects and purposes to which the respective items of these several amounts have been devoted; and

(h) To make such reports to the Federal Board for Vocational Education as may be required by the provisions of the Federal Vocational Education Law, and by the rules and regulations of the Federal Board for Vocational Education.

698. State Treasurer custodian of all moneys—How drawn.] § 5. The State Treasurer shall act as the custodian of all moneys allotted to this State under the provisions of the Federal Vocational Education Law. These moneys shall be kept by the State Treasurer in a separate fund, to be known as "The Federal Vocational Education Fund" and shall be paid out only upon the requisition of the Board for Vocational Education, in the manner hereinafter provided.

The Auditor of Public Accounts is hereby authorized and directed to draw warrants upon the State Treasurer against "The Federal Vocational Education Fund," upon vouchers certified to as correct by the executive officer of the Board for Vocational Education and approved by the Department of Finance.

(*Ill. Rev. Stat.* 1943; Chap. 122, Sec. 694-698.)

Vocational Rehabilitation

The Division of Rehabilitation of the Board of Vocational Education conducts the Federal and State program of vocational rehabilitation in Illinois. This program provides vocational counselling and guidance, vocational training, artificial appliances, surgery, hospitalization, physiotherapy, and assistance in employment placement for the physically disabled who may be expected to become self-supporting following such services. The program was established upon the basis of Federal legislation approved June 2, 1920, and subsequently amended. The Sixty-third General Assembly appropriated $586,740 for the maintenance of this program for the 1943-45 biennium. In effect Title V, Part 4 of the Federal Social Security Act made permanent the provisions of the basic act. The Federal Security Agency administers the program of the Federal government.

AN ACT in relation to vocational rehabilitation of disabled persons. Approved June 28, 1921. Title as amended by act approved July 16, 1943.

383. Division of vocational rehabilitation established.] § 1. In order to provide for the vocational rehabilitation of persons disabled, there is hereby established, under the direction and control of the State board for vocational education, a division for the vocational rehabilitation and placement in remunerative employment of persons whose capacity to earn a living is or has been destroyed or impaired. As amended by act approved July 3, 1931.

383a. Definitions.] § 1½. For the purpose of this Act, the term "persons disabled" means any person who by reason of a physical defect or infirmity, whether congenital or acquired by accident, injury or disease, is, or may be expected to be totally or partially incapacitated for remunerative occupation; the term "rehabilitation" means the rendering of a person disabled, fit to engage in a remunerative occupation. Added by act approved June 25, 1923.

384. Board of vocational education to administer Act.] § 2. The board of vocational education is hereby designated as the agency to carry out the provisions and purposes of this Act. Members of this board shall be reimbursed for their actual and necessary expenses incurred in the discharge of duties under the provisions of this Act.

385. Duties of board.] § 3. It shall be the duty of the board for vocational education:

(a) To co-operate with the Federal board for vocational education in the administration of the provisions of the Federal Vocational Rehabilitation Act to the extent and in the manner provided in that Act;

(b) To prescribe and supervise such courses of vocational training and provide such other services as may be necessary for the vocational rehabilitation of persons disabled, and to co-operate with State and local school authorities and other recognized agencies engaged in vocational education and rehabilitation;

(c) To formulate a plan of co-operation with the industrial commission in carrying out the provisions of this Act, which plan shall became effective when approved by the Governor;

(d) To make such reports and submit such plans to the Federal board for vocational education as are required by the provisions of the Federal Rehabilitation Act, and by the rules and regulations of such Federal board, and

(e) To report in writing, to the Governor, annually on or before the first day of December, and at such other times and in such manner and upon such subjects as the Governor may require. The annual report shall contain (1) a statement of the existing condition of vocational rehabilitation in the State; (2) a statement of suggestions and recommendations with reference to the development of vocational rehabilitation in the State; and (3) an itemized statement of the amounts of money received from Federal, State and other sources, and of the objects and purposes to which the respective items of these several amounts have been devoted;

(f) To advise and counsel with any deaf person residing in this State who requests assistance in the selection of a suitable occupation, securing vocational training or obtaining employment, or who requests advice concerning any matter relating to his rehabilitation, and for the purpose of furnishing such advice and counsel, shall employ and station at the State Capitol and in every City, Village or Incorporated Town, having a population in excess of five hundred thousand inhabitants, a competent person who possesses the capacity to converse with deaf persons in the sign-language. As amended by act approved July 16, 1943.

386. Necessary employes.] § 4. The board of vocational education shall appoint without reference to any civil service law which is now or which hereafter may be in force in this State, such technical assistants, clerks, stenographers and other assistants as may be necessary, and prescribe their duties, compensation, and terms of employment. As amended by act approved June 25, 1923.

387. Donations.] § 5. The board for vocational education is authorized to receive such gifts, donations or reimbursements, either from public or private sources, as may be offered unconditionally or under such conditions related to the vocational rehabilitation of persons disabled in industry or otherwise, as in the judgment of the board are proper and consistent with the provisions of this Act. All moneys so received shall be deposited in the State treasury in a fund to be known as the "Vocational Rehabilitation Fund." As amended by act approved July 3, 1931.

387a. Acceptance of Federal Act.] § 5a. The State of Illinois does hereby (1) accept the provisions and benefits of the act of Congress entitled "An Act to provide for the promotion of vocational rehabilitation of persons disabled in industry or otherwise and their return to civil employment," approved June 2, 1920, as amended June 5, 1924, and June 9, 1930; (2) designate the State treasurer as custodian of all moneys received by the State from appropriations made by the Congress of the United States for vocational rehabilitation of persons disabled in industry or otherwise, and authorizes the State treasurer to make disbursements therefrom upon the order of the State Board for vocational education; (3) empower and direct the State board for vocational education to co-operate with the Federal Board for Vocational Education in carrying out the provisions of the national civilian vocational rehabilitation act. Added by act approved July 3, 1931.

388. Vocational Rehabilitation Fund.] § 6. The State Treasurer shall act as custodian of all moneys allotted to this State under the provisions of the Federal Vocational Rehabilitation Act. These moneys shall be kept by the State Treasurer in a fund to be known as the "Vocational Rehabilitation Fund," and shall be paid out only upon the requisition of the board for vocational education, in the manner hereinafter provided. As amended by act approved July 3, 1931.

§ 7. **Appropriation.**]

388a. How warrants to be drawn.] § 8. The Auditor of Public Accounts is hereby authorized and directed to draw warrants upon the State Treasurer against the "Vocational Rehabilitation Fund," upon vouchers certified as correct by the chairman of the board for vocational education and approved by the Department of Finance. As amended by act approved July 3, 1931.

(*Ill. Rev. Stat.* 1943; Chap. 23, Sec. 383-388a.)

The following act to provide for the rehabilitation of physically handicapped persons by the Department of Public Welfare preceded the passage of both Federal legislation and the Illinois Act in relation to vocational rehabilitation of persons injured in industry or otherwise, approved June 28, 1921. It appears to be broader in scope than the latter but it has never been implemented.

Rehabilitation of Physically Handicapped Persons

AN ACT in relation to the rehabilitation of physically handicapped persons. Approved June 28, 1919.

379. Definitions.] § 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly: It shall be the duty of the Department of Public Welfare to direct, as hereinafter provided, the rehabilitation of every physically handicapped person, sixteen (16) years of age or over, residing in the State of Illinois.

"A physically handicapped person" shall mean any person who, by reason of a physical defect or infirmity, whether congenital or acquired by accident, injury or disease, is, or may be expected to be, incapacitated for remunerative occupation.

"Rehabilitation" shall mean the rendering of a person physically handicapped, fit to engage in a remunerative occupation.

"Person residing in the State of Illinois" shall mean any person who is and has been domiciled within the State for one year or more.

This Act, however, shall not be construed to apply to aged or helpless persons requiring permanent custodial care, or to blind persons under the care of the State, or to deaf persons under the care of the State, or to any epileptic or feeble-minded person or to any person who may, in the judgment of the Department of Public Welfare, not be susceptible of such rehabilitation.

380. Duties of department.] § 2. The Department of Public Welfare shall have power, and it shall be its duty:

(a) To establish relations with all public and private hospitals to receive prompt and complete reports of any persons under treatment in such hospitals for any injury or disease that may permanently impair their earning capacity. The persons thus reported shall be visited by representatives of the Department of Public Welfare who shall make records of their condition and report to the Department of Public Welfare. The Department of Public Welfare shall then determine whether the person is susceptible of rehabilitation. Such persons as may be found so susceptible shall be acquainted by the Department of Public Welfare with the rehabilitation facilities offered by the State and the benefits of entering upon remunerative work at an early date. Any person who chooses to take advantage of these rehabilitation facilities shall be registered with the Department of Public Welfare, and a record shall be kept of every such person and the measures taken for his or her rehabilitation. The Department of Public Welfare shall offer to any such person counsel regarding the selection of a suitable occupation and of an appropriate course of training, and shall initiate definite plans for beginning rehabilitation as soon as the physical condition of the person permits.

(b) To arrange with the Department of Labor to receive reports of all cases of injuries received by employes in the course of employment which may result in permanent disability. The persons thus known to be injured shall be visited, examined, registered and advised in the same manner and for the same purposes as specified in Clause (a) of this section.

(c) To receive applications of any physically handicapped persons residing within the State for advice and assistance regarding their rehabilitation. The persons

thus known to be physically handicapped shall be visited, examined and advised in the same manner and for the same purpose as specified in Clause (a) of this section.

(d) To make a survey to ascertain the number and condition of physically handicapped persons within the State. The persons thus known to be physically handicapped shall be visited, examined, registered, and advised in the same manner and for the same purposes as specified in Clause (a) of this section.

(e) To arrange for such therapeutic treatment as may be necessary for the rehabilitation of any physically handicapped person registered with the Department of Public Welfare.

(f) To procure and furnish at cost to physically handicapped persons registered with the Department of Public Welfare, artificial limbs and other orthopedic and prosthetic appliances, to be paid for in easy installments.

(g) To establish, equip, maintain and operate in one of the large cities in the State, a School of Rehabilitation, and to establish, equip, maintain and operate branches of the school at such other places as may in the judgment of the Department of Public Welfare be necessary. There shall be provided at the school and its branches courses of training in selected occupation for physically handicapped persons registered with the Department of Public Welfare whose physical condition may, in the judgment of the Department of Public Welfare, require special courses of training to render them fit to engage in remunerative employment and who are assigned by the Department of Public Welfare to the school or to any of its branches for the purpose of such special training.

The Department of Public Welfare shall make the necessary rules for the proper conduct and management of the school and its branches; shall have control and care of the building and grounds used by the State for the school and its branches, and shall prescribe the course and methods of training to be given at the school and its branches.

(h) To arrange with the State and local school authorities for training courses in the public schools of the State in selected occupations for physically handicapped persons registered with the Department of Public Welfare.

(i) To arrange with any educational institution for training courses in selected occupations for physically handicapped persons registered with the Department of Public Welfare.

(j) To arrange with any public or private organization or commercial, industrial or agricultural establishment for training courses in selected occupations for physically handicapped persons registered with the Department of Public Welfare.

(k) To provide for the maintenance, during the prescribed period of training, of physically handicapped persons registered with the Department of Public Welfare: Provided, that the cost of such maintenance shall not exceed ten dollars ($10.00) per week for twenty weeks, unless an extension of time is granted by the Department of Public Welfare.

(l) To arrange for social service to and for the visiting of physically handicapped persons registered with the Department of Public Welfare and their families in their homes during the period of treatment and training and after its completion, and to give advice regarding any matter that may effect rehabilitation.

(m) To co-operate with the Department of Labor in the placement in remunerative employment of physically handicapped persons registered with the Department of Public Welfare.

(n) To conduct investigations and surveys of the several industries located in the State to ascertain the occupations within each industry in which physically handicapped persons can enter upon remunerative employment under favorable conditions and work with normal effectiveness and to determine what practicable changes and adjustments in industrial operations and practices may facilitate such employment.

(o) To make such studies and reports as may be helpful for the operation of this Act.

(p) To keep the people of the State informed regarding the operation of this Act.

(q) To co-operate with any department of the Federal or State government or with any private agency in the operation of this Act.

(r) Provided, however, that no person shall be subject to this Act or to any of its provisions, and shall not be examined, registered, or advised unless such person first elects to take advantage of the privileges afforded by this Act and to come under its terms and conditions.

381. Necessary employes.] § 3. The Department of Public Welfare, subject to the provisions of civil service law which is now or which hereafter may be in force in this State, shall employ such persons as may be necessary for the enforcement of the provisions of this Act, and shall prescribe their duties, compensation and terms of employment.

382. Rules and regulations.] § 4. The Department of Public Welfare shall promulgate reasonable rules and regulations relating to the enforcement of the provisions of this Act.

(*Ill. Rev. Stat.* 1943; Chap. 23, Sec. 379-382.)

POWERS OF SCHOOL DISTRICTS TO ESTABLISH AND MAINTAIN CLASSES

The quotations from the statute which immediately follow give school officials the authority, among other powers, to establish classes for crippled, deaf, blind, defective, and delinquent children. Also quoted are excerpts from the school law which require attendance at school of all children between the ages of six and sixteen, with certain exceptions.

A System of Free Schools

AN ACT to establish and maintain a system of free schools. Approved June 12, 1909.

(Sections 1-110 omitted.)

111. Districts—Directors.] § 103. In all school districts having a population of fewer than one thousand inhabitants, and not governed by any special act, there shall be elected a board of directors to consist of three members.

(Sections 112-122 omitted.)

123. Powers of directors.] § 115. The board of school directors shall be clothed with the following powers:

. . . . . .

Fourteenth—To establish classes of one or more pupils for the instruction of crippled children over the age of six and under twenty-one years.

Fifteenth—To establish classes for the instruction of deaf children over the age of three and under twenty-one years; Provided, however, that no person shall be employed to teach the deaf who shall not have received instruction in the methods of teaching the deaf for a term of not less than one year.

. . . . . .

As amended by act July 21, 1941.

(Sections 124-136 omitted.)

In Cities of 1,000 to 100,000

131. Number of members of board—Where and how changed.] § 123. In all school districts having a population of not fewer than one thousand and not more than one hundred thousand inhabitants, and not governed by special acts, and in such other districts as may hereafter be ascertained by any special or general census to have such population, there shall be elected a board of education to consist of a president, six members and three additional members for every additional ten thousand inhabitants: Provided, however, that in no case shall such board consist of more than fifteen members. . . . . .

136. Powers and duties of board.] § 127. The board of education has all the powers of school directors, is subject to the same limitations, and in addition thereto they shall have the power, and it shall be their duty:

. . . . . .

Fourth—To establish schools of different grades, to adopt regulations for the admission of pupils into the same, and to assign pupils to the several schools; as amended by act approved June 30, 1943.

. . . . . .

(Sections 136a-150 omitted.)

151. Appointment—Term—Vacancies—Eligibility.] § 128. Each city having a population exceeding 500,000 inhabitants shall constitute one school district which shall maintain a thorough and efficient system of free schools, which shall be under the charge of a board of education, which shall be a body politic and corporate, by the name of "Board of Education of the City of.....," and by that name may sue and be sued in all courts and places where judicial proceedings are had.....

In Cities of 500,000 or More

(Sections 152-158 omitted.)

159. General Supervision and management of schools, etc.] § 136. The board of education shall exercise general supervision and management of the public education and the public school system of the city, and shall have power to make suitable provision for the establishment and maintenance throughout the year, or for such portion of the year as it may direct, not less than nine months in time, of schools of all grades and kinds, including normal schools, high schools, night schools, schools for defectives, and delinquents, parental and truant schools, schools for the blind, the deaf and the crippled, schools or classes in manual training, constructural and vocational teaching, domestic arts and physical culture, vocation and extension schools and lecture courses, and all other educational courses and facilities, including playground maintenance. It shall have the power to furnish lunches to pupils attending the public schools and to make a reasonable charge therefor. It shall have the power to co-operate with the juvenile court, to make arrangements with the public or quasi-public libraries and museums for the purpose of extending the privilege of such libraries and museums to teachers and pupils of the public schools. The board shall also have power to employ dentists and prescribe their duties for the purpose of treating the pupils in the schools, but accepting such treatment shall be optional with parents or guardian. The board may grant the use of assembly halls and classrooms when not otherwise needed, including light, heat and attendants, for free public lectures, concerts and other educational and social interests, free of charge, but under such provisions and control as the board may see fit. The board shall have continuing power to divide the city into sub-districts and apportion the pupils to the several schools, but no pupils shall be excluded from or segregated in any such school on account of his or her color, race or nationality. ..... As amended by act approved May 6, 1935.

(Sections 160-162 omitted.)

163. Where and when established—Purpose.] § 140. In cities having a population of 500,000 inhabitants or more, there shall be established, maintained and conducted, one or more parental or truant schools for the purpose of affording a place of confinement, discipline, instruction and maintenance of children of compulsory school age who may be committed thereto in the manner hereinafter provided. As amended by act approved Feb. 21, 1931.

Parental Schools

164. Property—Maintenance of school.] § 141. For the purpose of establishing such school or schools, sites may be purchased and buildings constructed or premises rented in the same manner as is provided for in the case of public schools in such cities; but no such school shall be located at or near any penal institution. It shall be the duty of the board of education to furnish such schools with such furniture, fixtures, apparatus and provisions as may be necessary for the maintenance and operation thereof.

165. Superintendent, teachers—Courses of study.] § 142. The board of education may also employ a superintendent and all other necessary officers, agents and teachers; and shall prescribe the methods of discipline and the course of instruction; and shall exercise the same powers and perform the same duties as are prescribed by law for the management of other schools.

166. No religious training to be given.] § 143. No religious instruction shall be given in such school except such as allowed by law to be given in public schools; but the board of education shall make suitable regulations so that the inmates may receive religious training in accordance with the belief of the parents of such children, either by allowing religious services to be held in the institution or by arranging for attendance at public service elsewhere.

167. What children received—Admission.] § 144. It shall be the duty of the truant officer or agent of such board of education to petition, and any reputable citizen of the city may petition, the county or circuit court of the county to inquire into the case of any child of compulsory age who is not attending school, and who

has been guilty of habitual truancy, or persistent violation of the rules of the public school, and the petition shall also state the names, if known, of the father and mother of such child, or the supervisor of them; and if neither father nor mother of such child is living, or found in the country, or if their names cannot be ascertained, then the name of the guardian, if there be one known; and if there be a parent living whose name can be ascertained, or a guardian, the petition shall show whether or not the father or mother or guardian consents to the commitment of such child to such parental or truant school. Such petition shall be verified by oath upon the belief of the petitioner, and upon being filed the judge of the county or circuit court shall have the child named in the petition brought before him for the purpose of determining the application in such petition contained. But no child shall be committed to such school who has ever been convicted of any offense punishable by confinement in any penal institution.

168. Order committing child to such school, etc.] § 145. Upon the filing of such petition the clerk of the court shall issue a writ to the sheriff of the county directing him to bring such child before the court, and if the court shall find that the material facts set forth in the petition are true, and if, in the opinion of the court, such child is a fit person to be committed to such parental or truant school, an order shall be entered that such child be committed to such parental or truant school, to be kept there until he or she arrives at the age of sixteen years, unless sooner discharged in the manner hereinafter set forth. Before such hearing, notice in writing shall be given to the parent or guardian of such child, if known, of the proceedings about to be instituted, that he or she may appear and resist the same if either of them so desire. As amended by act filed June 29, 1917.

169. Parent, etc., to provide suitable clothing.] § 146. It shall be the duty of the parent or guardian of any child committed to this school to provide suitable clothing upon his or her entry into such school and from time to time thereafter as it may be needed, upon notice in writing from the superintendent or other proper officer of the school. In case any parent or guardian shall refuse or neglect to furnish such clothing, the same may be provided by the board of education, and such board may have an action against such parent or guardian of the child to recover the cost of such clothing with 10 per cent additional thereto.

170. Rules and regulations—When child paroled.] § 147. The board of education of such city shall have power to establish rules and regulations under which children committed to such parental or truant school may be allowed to return home upon parole, but to remain while upon parole in the legal custody and under the control of the officers and agents of such school, and subject at any time to be taken back within the enclosure of such school by the superintendent or an authorized officer of said school except as hereinafter provided; and full power to enforce such rules and regulations to retake any such child so upon parole is hereby conferred upon said board of education. No child shall be released upon parole in less than four weeks from time of his commitment, nor thereafter until the superintendent of such parental or truant school shall have become satisfied from the conduct of the child that, if paroled, he or she will attend regularly the public or private school to which he or she may be sent by his or her parents or guardian and shall so certify to the board of education.

171. Monthly report of paroled child—Final discharge.] § 148. It shall be the duty of the principal or other persons having charge of the school to which such child so released on parole may be sent to report at least once each month to the superintendent of the parental or truant school, stating whether or not such child attends school regularly and obeys the rules and requirements of said school; and if such child so released upon parole shall be regular in his or her attendance at school and his or her conduct as a pupil shall be satisfactory for a period of one year from the date on which he or she was released upon parole, he or she shall then be finally discharged from the parental or truant school, and shall not be recommitted thereto except on petition as hereinbefore provided.

172. Violating parole.] § 149. In case any child released from said school upon parole, as hereinbefore provided, shall violate the conditions of his or her parole at any time within one year thereafter, he or she shall, upon the order of the board of education, as hereinbefore provided, be taken back to such parental or truant school and shall not be again released upon parole within the period of three months from the date of such re-entering, and if he or she shall violate the conditions of a second

parole he or she shall be recommitted to such parental or truant school and shall not be released therefrom on parole until he or she shall remain in said school at least one year.

173. Child may be committed to reformatory—When.] § 150. In any case in which a child is found to be incorrigible and his or her influence in such school to be detrimental to the interests of the other pupils, the board of education may authorize the superintendent or any officer of the school to represent these facts to the circuit or county court by petition, and the court shall have authority to commit said child to some juvenile reformatory.

174. Boards in certain cities may maintain such schools.] § 151. Boards of education in cities having a population of over 25,000 and less than 500,000 may establish, maintain and operate a parental or truant school for the purposes hereinbefore specified, and in case of the establishment of such a school, the boards of education shall have like power in their respective cities as hereinbefore expressed: Provided, however, that no board of trustees or board of education under this section shall put this law into effect until submitted to a vote of the people and adopted by a majority vote at some general election. As amended by act approved Feb. 21, 1931.

(Sections 175-300 omitted.)

301. Compulsory attendance—Exception—Truant officers.] § 274. Every person having custody or control of any child between the ages of seven and sixteen years, shall, annually, cause such child to attend some public or private school for the entire time during which the public school in the district wherein the pupil resides is in session: Provided, that in the following cases children shall not be required to attend the public schools:

(a) Any child attending a private or parochial school where children are taught such branches of education as are taught to children of corresponding age and grade, in the public schools, and where the instruction of the child in the branches of education is in the English language;

(b) Any child who is physically or mentally unable to attend school, such disability being certified to the county or district truant officer by a competent physician; or in case the child is excused for temporary absence for cause by the principal or teacher of the school which the child attends;

(c) Children over fourteen years of age, who are necessarily and lawfully employed, may be excused from attendance at school by the county superintendent of schools or the superintendent of the public school which the child should be attending, on the recommendation of the board of directors or board of education of the public school district in which such children reside, and said board shall certify the facts in all such cases. In districts where part time continuation schools are established, children excused as in this paragraph provided shall attend such schools at least eight hours each week during the period said continuation schools are in session;

(d) Any child over twelve and under fourteen years of age during the hours while in attendance at confirmation classes.

Any person having custody or control of a child between the ages of seven and sixteen years who shall fail to comply with the provisions of this Act shall be deemed guilty of a misdemeanor and shall, on conviction thereof, be fined not less than five dollars nor more than twenty dollars and cost of suit for each offense, and shall stand committed until such fine and costs of suit are paid.

Also, it shall be the duty of any person having custody or control of a child who is below the age of seven years or above the age of sixteen years and who is enrolled in anv of Grades 1 to 12, each inclusive, in the public school to cause such child to attend the entire time during which said public school in the district wherein such pupil resides is in session unless such child is duly excused under provisions of paragraphs (b), (c), or (d) preceding in this section. Any such person failing to fulfill such duty shall be deemed guilty of a misdemeanor and shall, on conviction thereof, be fined not less than five dollars nor more than twenty dollars and cost of suit for each offense, and shall stand committed until such fine and costs of suit are paid.

The county superintendent of schools in each county shall appoint a county truant officer who shall be an assistant county superintendent of schools and who shall possess the qualifications required in this Act. Such assistant county superintendent of schools shall receive such compensation as may be fixed by the board of county

commissioners or board of supervisors, as the case may be, together with his necessary traveling expenses, to be paid out of the county treasury.

Such assistant superintendent shall file his acceptance with the county clerk and shall take and subscribe on oath of office. He shall also file with such clerk a bond in the penal sum of $1,000, conditioned for the faithful performance of his duties as such officer, to be approved by the county judge of his county. Said assistant superintendent shall perform the duties of truant officer in all the school districts of the county; provided, that in any school district, the board of directors or board of education shall have authority to appoint one or more truant officers and fix the compensation of the same, said compensation to be paid by the district.

It shall be the duty of the truant officer of the school district for which he is appointed, whenever notified by the superintendent, teacher, or other person or persons of violations of this Act, or the county truant officer, when notified by the county superintendent, to investigate all such cases of truancy or non-attendance at school in their respective jurisdictions, and if the child or children complained of are not exempt under the provisions of this Act, then said truant officer shall proceed as is provided in this Act. As amended by act approved July 23, 1943.

(*Ill. Rev. Stat.* 1943; Chap. 122, Sec. 111, 123, 131, 132, 136, 151, 159, 163-174, 301.)

INSTRUCTION AND EDUCATION OF THE BLIND, DEAF AND DUMB

Educational assistance and training is specifically provided for blind persons through the two following acts. In addition, the Division for Vocational Rehabilitation administers those services for the blind which come within the provisions of the act in relation to vocational rehabilitation (see page 16 of this publication). The appropriation for the Division of Visitation of Adult Blind for the 1943-45 biennium was $122,010.

Visitation of the Adult Blind

AN ACT in relation to the visitation and instruction of the adult blind. Approved June 7, 1911. Title as amended by an act approved June 2, 1943.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

38. Department charged with visitation of adult blind—Teachers.] § 1. The Department of Public Welfare is charged with the visitation of the adult blind in their homes for the purpose of instructing them in industrial pursuits and of developing such occupations as will tend to ameliorate their condition and make them self-supporting. The Department shall employ such teachers and assistants as are necessary for the service of so instructing the blind in their homes and aiding them to find employment and market the products of their industry. All such teachers and assistants shall be employed subject to "An Act to regulate the civil service of the State of Illinois," approved May 11, 1905, as amended. As amended by act June 2, 1943.

(*Ill. Rev. Stat.* 1943; Chap. 23, Sec. 38.)

Board of Education for the Blind, Deaf and Dumb

The Board of Education for the Blind and Deaf and Dumb was established to provide assistance to such persons enrolled in institutions of higher learning. The appropriation to this board for the 1943-1945 biennium was $40,000. The executive officer of the board is the State Superintendent of Public Instruction.

AN ACT to aid blind and deaf and dumb students in securing higher education. Approved June 11, 1925.

38a. Board of Education for the Blind and Deaf and Dumb.] § 1. There is created a Board of Education for the Blind and Deaf and Dumb, hereinafter referred to as the board, consisting of the Superintendent of Public Instruction, the managing officer of the Illinois School for the Blind, the managing officer of the Illinois School for the Deaf, and the supervisor of the work for the blind in the Chicago public

schools. The members of the board shall be reimbursed for their actual necessary expenses but shall receive no other compensation for their services. As amended by act approved June 26, 1931.

38b. Duty to furnish financial assistance.] § 2. It is the duty of the board to furnish financial assistance to deserving blind, and/or deaf and dumb students who have been residents of the State of Illinois for four years immediately preceding their application for assistance, and who are regularly enrolled students, pursuing a course of study in a university, college, conservatory of music or a normal, professional or vocational school. The amount of aid to any student shall not under ordinary circumstances exceed three hundred dollars ($300.00) per annum, but where the board may consider that added assistance is necessary, the amount may be increased to five hundred dollars ($500.00) per annum. Money so furnished shall be expended under the direction and supervision of the board. Upon presentation of proper vouchers certified and approved by the Superintendent of Public Instruction, the Auditor shall draw his warrants therefor upon the State Treasurer. As amended by act approved June 26, 1931.

(*Ill. Rev. Stat.* 1943; Chap. 23, Sec. 38a, 38b.)

Education of Deaf and Blind Children

The education of deaf and blind children outside of the local school district is provided for in two acts which recognize and provide for the continuation of, among other institutions, the School for the Deaf and the School for the Blind at Jacksonville. Each of these schools offers academic and vocational training as well as physical education, social activities, and medical care. The resident population of the School for the Deaf was 443 on December 31, 1943; that of the School for the Blind was 207 on the same date. Their respective appropriations for the 1943-45 biennium were $1,012,224 and $470,070.

Only those portions of the following acts which apply directly to the schools for the deaf and the blind are quoted here. Other provisions of the acts, pertaining to the administration of charitable institutions in general, will be found on page 80 of this publication.

AN ACT to regulate the State charitable institutions and the State reform school, and to improve their organization and increase their efficiency. Approved April 15, 1875.

39, 40. § 1, 2. Repealed by act approved June 29, 1943.

(Section 41 omitted.)

42. Object of institutions for the deaf and dumb, the blind and feeble-minded.] § 4. The object of the institutions for the education of the deaf and dumb, and the blind, and of the Asylum for the Feeble-minded, shall be to promote the intellectual, moral and physical culture of the classes of persons indicated in their titles, respectively, and to fit them, as far as possible, for earning their own livelihood and for future usefulness in society.

(Section 43-63 omitted.)

64. Admission to charitable institutions—Terms.] § 26. Residents of this State who are inmates of any of the State charitable institutions shall receive their board, tuition and treatment free of charge. Residents of other States may be admitted upon payment of the just costs of board, tuition and treatment: Provided, that no resident of another State shall be received or retained to the exclusion of any resident of this State. If any inmate is unwilling to accept gratuitous board, treatment or tuition, the Department of Public Welfare may receive pay therefor, and shall account for the same in an itemized monthly or quarterly statement as donations, duly credited to the persons from whom they were received; and if the Department receives any moneys for the purpose of furnishing extra attention and comforts to any inmates of the institution, it shall account for the same, and for the expenditures, in like manner. As amended by act approved June 29, 1943.

65. When clothing and transportation furnished by county.] § 27. In all cases where persons sent to the Institution for the Blind or the Institution for the Deaf

and Dumb or the Institution for Feeble-minded children, are too poor to furnish themselves with sufficient clothing and pay the expenses of transportation to and from the institution, the judge of the county court of the county where any such person resides, upon the application of any relative or friend of such person, or of any officer of his town or county (ten days' notice of which application shall be given to the county clerk), may, if he shall deem said person a proper subject for the care of either of said institutions, make an order to that effect, which shall be certified by the clerk of the court to the principal or superintendent of such institution, who shall provide the necessary clothing and transportation at the expense of the county, and upon his rendering his proper accounts therefor semi-annually, the county board shall allow and pay the same out of the county treasury except that the State shall not charge the counties for the necessary clothing so provided for persons who are sent to an institution for the feeble-minded but shall furnish the same. As amended by act approved June 18, 1929.

66-69. §§ 28 to 31. Repealed. Act approved June 30, 1925.

70. Repeal. § 32. All acts and parts of acts inconsistent with the provisions of this Act are hereby repealed.

(*Ill Rev. Stat.* 1943; Chap. 23, Sec. 39, 40, 42, 64-69, 70.)

AN ACT to revise the laws relating to charities. Approved June 11, 1912.

2. Purpose of the Act.] § 1. Omitted.

3. State charitable institutions.] § 2. The following are the State charitable institutions:

. . . . . .

The Illinois School for the Deaf, at Jacksonville;

The Illinois School for the Blind, at Jacksonville;

. . . . . .

As amended by Act approved June 29, 1943 (Section 4 omitted).

(*Ill. Rev. Stat.* 1943; Chap. 23, Sec. 2, 3.)

Compulsory attendance of every deaf and blind child between the ages of eight and eighteen years, otherwise physically and mentally competent, is provided for in the following act. Jurisdiction over this Act in counties of 500,000 or over is vested in the Bureau of Public Welfare.

AN ACT to make provision for the education of deaf and blind children. (Filed June 28, 1917.)

683. Duty of parent or guardian.] § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* It shall be the duty of every parent, guardian or other person, having the control or charge of any child in this State between the ages of eight and eighteen years, who is deaf or blind, or whose hearing or vision is so defective as to make it impracticable to have such child educated in the ordinary public schools of this State, to send such child to some school under private or public supervision, where special provision is made for the education of the deaf or blind; if there be such a school within the county where such child resides, then such child may be sent thereto, but if not, then to some other convenient school of that character, within the State or to the Illinois School for the Deaf, or to the Illinois School for the Blind, at Jacksonville. Provided, that nothing herein shall require a child not physically or mentally competent to be educated, to be so sent.

684. Expense.] § 2. In cases where such parent, guardian or other person having the control or charge of any such child who is deaf or blind, or whose hearing, or vision is defective, as aforesaid, is unable financially, to furnish such child with transportation or the proper and necessary clothing, the county court of the county in which such child resides, or in which it may be found on the application of any citizen of the county, may make an order directing such child to be taken to such school as the parent, guardian or custodian may prefer, or if no preference be so expressed, then to such school as the court may deem for the best interest of such child, and for the furnishing of transportation for that purpose, which transportation shall include a proper custodian, preferably the parent or guardian, and also for the fur-

nishing of suitable and proper clothing, if that be necessary, which expense shall be advanced by the sheriff of the county, and allowed by the board of supervisors on his bill properly vouchered, which order may also include an allowance for the return of such child at suitable intervals.

And further, such county court is empowered in cases where such parent, guardian, or other person having such custody fails or neglects to perform the duty herein imposed, to enter upon a summary hearing on due notice, on complaint of any citizen of the county, and to make an order directing such sending, which order may be enforced by attachment or contempt proceedings, or by judgment and execution or other civil process.

And further, the duty of seeing that this law is enforced is placed upon the truant officer of the school district, where such an one exists and also upon the state's attorney of the county where such child resides.

685. Neglect—Penalty.] § 3. Any person who shall come within the above requirements, and who shall wilfully fail, neglect or refuse to send any such deaf or blind child, or child with defective hearing or vision, as aforesaid to some suitable school under private or public supervision, where special provision is made for the education of the deaf or blind and which child is physically and mentally competent to be educated, shall be deemed guilty of a misdemeanor, and shall be fined not less than five dollars nor more than twenty dollars for each offense, and may be committed until fine and costs are paid.

(*Ill. Rev. Stat.* 1943; Ch. 122, Sec. 683-685.)

PROVISIONS FOR STUDY, COORDINATION, PROMOTION AND PREVENTION

STUDY, COORDINATION AND PROMOTION

Commission for Handicapped Children

The Commission for Handicapped Children is unique in its legislative basis because it has as its interest the development of a more adequate program for all types of handicapped children with respect to all their needs.

The Commission serves as a clearinghouse for information and advisory services to school, health, and welfare agencies and service clubs and civic and fraternal organizations interested in meeting the problems of exceptional children on either the community or State level. It also acts as a referral center and offers consultation service to parents, teachers, physicians, nurses, and others interested in problems concerning individual physically or mentally handicapped children.

The Sixty-third General Assembly appropriated $36,800 to the Commission for the 1943-455 biennium.

AN ACT relating to physically handicapped children and to educable mentally handicapped children and to create a Commission therefor. Approved June 30, 1933.

299n. "Physically handicapped children" and "educable mentally handicapped children" defined.] § 1. For the purposes of this Act the term "physically handicapped children" shall include all persons under eighteen (18) years of age who, by reason of physical defect or infirmity, require special medical care, education, and social service, and shall specifically include the crippled or deformed, the blind and those suffering of visual defect, the deaf and hard of hearing, the cardiac, the tuberculous and those suffering of venereal disease.

The term "educable mentally handicapped children" means all persons under eighteen (18) years of age who, by reason of lack of development, injury or disease, have not developed sufficient intelligence to adjust themselves to their environment but who can, with special supervision and training, probably become self-supporting or able to make a permanent adjustment outside of an institution. As amended by act approved July 15, 1941.

299o. Commission for handicapped children.] § 2. There is created for the purposes hereinafter specified, a commission consisting of the Director of Public Welfare, the Superintendent of Public Instruction, the Director of Public Health, the Director of Labor, and nine prominent citizens actively interested in the problems of handicapped children as defined in Section 1 who shall be appointed by the Governor without regard to political affiliations. Three of the first members to be appointed shall serve for a term of one year, three shall serve for a term of two years and the other three shall serve for a term of three years. Thereafter appointments shall be for a term of three years. In selecting the appointive members of the Commission the Governor shall give due consideration to recommendations of medical, educational and social organizations in the State. The Director of Public Welfare, the Superintendent of Public Instruction, the Director of Labor and the Director of Public Health may appoint qualified employes in their respective offices to represent them. The Commission shall be known as the Commission for Handicapped Children. The Commission shall be appointed on or before August 1, 1941, and shall at its first meeting elect from the appointive members thereof a chairman and a vice-chairman. The fiscal records of the Commission shall be kept in the Department of Public Welfare. As amended by act approved July 15, 1941.

299p. Members not to be compensated—Expenses—Meetings.] § 3. The members of the Commission shall serve without compensation but shall be reimbursed for all actual and necessary expenses incurred in the administration of this Act. The Commission shall hold regular meetings at least four (4) times per year and such additional special meetings as may be necessary to discharge properly its duties under this Act. As amended by act approved July 15, 1941.

299q. Duties of commission—Committees.] § 4. The commission through the committees thereof hereafter provided for shall have power and it shall be its duty:

(a) To coordinate the administrative responsibility and the services of the four State departments and offices represented in its membership insofar as they relate to the well-being of handicapped children as defined in this Act and to compose any differences that may arise between such departments and offices;

(b) To stimulate all private and public efforts throughout the State in the care, treatment, education and social service of handicapped children and to coordinate such efforts with those of the State departments and offices into a unified and comprehensive program;

(c) To promote special classes and competent individual instruction for all types of handicapped children in all parts of the State and to arrange for the special training of teachers for such classes;

(d) To promote adequate provisions for medical diagnosis and the treatment of handicapped children in all parts of the State; provided, that the diagnosis and supervision of educable mentally handicapped children shall be performed by physicians qualified by training and experience in the study of psychiatry;

(e) To promote vocational guidance, training, placement and social adjustment on an individual case work basis for all such handicapped children in need of such services and to promote facilities in boarding homes for the care of children maladjusted to their home surroundings;

(f) To promote the establishment of a vocational school of the colony or village type for the temporary training of educable mentally handicapped children maladjusted to their home, boarding home or school surroundings who evidence or display symptoms of dependency or delinquency with the view of returning them to their homes, and from moneys appropriated for such purpose, to construct a building, or purchase or lease an existing building, or any suitable portion thereof, for such vocational school.

(g) To study conditions relating to such physically or mentally handicapped children in Illinois and in other States continuously with a view toward improving the facilities and services available to such children in Illinois through recommended administrative and legislative action.

For administrative purposes the foregoing powers and duties shall be exercised by two committees of the Commission herein created, as follows: one of said committees shall consist of four of the appointed members specially designated by the Governor to administer the provisions of this Act relating to physically handicapped children and the other said committee shall consist of four other of such appointed members designated by the Governor to administer the provisions of this Act relating

to educable mentally handicapped children, and serving in common on each of said committees shall be the ninth appointive member and each of the four State officers heretofore designated as members of the Commission; provided, that the Commission as a whole shall consider and determine mutual problems affecting the administrative policy of both of said committees. As amended by act approved July 15, 1941.

(*Ill. Rev. Stat.* 1943; Chap. 23, Sec. 299n-299q.)

Child Welfare Services

The Division of Child Welfare, Department of Public Welfare, in addition to its responsibility as set forth by legislation over the years, took on the responsibility of rendering the child welfare services under Title V, Part 3 of the Federal Social Security Act, although no specific legislation has been passed regarding this activity. This Federally financed program of child welfare services in rural areas and other areas of special need was inaugurated in July, 1936. The annual Federal budget for these services in Illinois is near $46,000. The following objectives are maintained: (1) to stimulate local communities to provide services for dependent and neglected children, and those in danger of becoming delinquent; (2) to give leadership to local private and public agencies in developing standards of child care; (3) to develop reporting systems and to conduct research designed to demonstrate child welfare needs in the State and to point the way to more complete and better integrated services; and (4) to assist in the training of child welfare personnel in rural areas. The program operates through a staff of field consultants and child welfare workers and through the operation of local child welfare units in certain demonstration counties.

Commission on Youthful Offenders

AN ACT to create the Illinois State Training School for Boys and Youthful Offenders' Commission, and to define its powers and duties, to make an appropriation therefor, and to repeal certain acts herein named. Approved June 30, 1943.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

246a. Illinois State Training School for Boys and Youthful Offenders' Commission created.] § 1. The Illinois State Training School for Boys and Youthful Offenders' Commission is created. It shall consist of five members of the Senate, appointed by the President thereof, five members of the House of Representatives appointed by the Speaker thereof, and five citizens of this State appointed by the Governor. The members shall receive no compensation for their services but shall be reimbursed for expenses necessarily incurred in the performance of their duties. The commission may employ such assistance as it may require.

246b. Powers of Commission.] § 2. The commission shall exercise general supervision over the construction and improvement of housing for the Illinois State Training School for Boys, study social problems arising in connection with youthful offenders, co-operate with other branches and departments of government and advise them as to matters covered by its study, and recommend to the next General Assembly such laws as it may deem necessary as a result of its study.

246c. Buildings and improvements.] § 3. All buildings and improvements shall be constructed in accordance with Sections 28 and 49 of the Civil Administrative Code of Illinois.

246d. Appropriation.] § 4. The sum of seven thousand dollars ($7,000.00), or so much thereof as may be necessary, is appropriated to the commission for the administration of this Act.

(*Ill. Rev. Stat.* 1943; Chap. 23, Sec. 246a.-246d.)

PREVENTION

In 1930 the Director of Public Welfare was prompted to establish a state-wide program of delinquency prevention designed to meet the increasing problem of juvenile law-breakers. A State sociologist was appointed to direct the program, and community-minded persons and groups were appealed to for the establishment of delinquency prevention councils. From this appeal grew the Big Brothers and Sisters Association of Illinois.

Through the efforts and interest of this Association the Sixty-first Illinois General Assembly, in 1939, unanimously passed bills establishing the Division for Delinquency Prevention in the Department of Public Welfare to work toward the reduction of delinquency of socially maladjusted, pre-delinquent, and other children. The Civil Administration Code was amended to provide for an Advisory Board to the Division appointed by the Governor from the Advisory Council to the Big Brothers and Sisters Association of Illinois.

The Division operates with local groups, agencies, and individuals and will make its services available only upon the request of such agencies or persons. It works with courts, State's attorneys, police departments, schools, churches, youth and welfare agencies, civic clubs, and other State agencies in furthering effective programs of adjustment services and delinquency prevention activities. No direct case work services are rendered, but such services are obtained from existing sources when needed. The Division's budget for its first biennial period (July 1, 1939-June 30, 1941) was $82,200. Its appropriation for the 1943-45 biennium is $202,680.

Quoted below are the two legislative enactments immediately affecting the Division for Delinquency Prevention. The first is the statutory basis of the Division; the second is an excerpt from the Civil Administration Code as amended in 1939, providing for an Advisory Board to the Division.

Division for Delinquency Prevention

AN ACT to create the Division for Delinquency Prevention in the Department of Public Welfare, and to define its powers and duties. Approved July 1, 1939.

220a. Division for Delinquency Prevention created—Duties.] § 1. The Division for Delinquency Prevention is created in the Department of Public Welfare. The Division shall organize local councils in the various communities of this State. Such local councils shall work toward the prevention and reduction of delinquency of socially maladjusted, pre-delinquent and delinquent children and all other children whose conditions in life call for such care by encouraging the moral, educational and recreational developments of such children. Such local councils shall effect their work through groups of selected lay persons and trained workers.

220b. Clerical, technical and professional help.] § 2. The Department of Public Welfare is authorized to appoint and employ clerical, technical, and professional help necessary to effectuate the purposes of this Act.

220c. Administration of Act.] § 3. The Division for Delinquency Prevention, under the direction of the Director of the Department of Public Welfare, and with the advice and guidance of the Advisory Board for the Division for Delinquency Prevention, is authorized to administer the provisions of this Act.

220d. Duties of Division.] § 4. The Division for Delinquency Prevention shall:

(1) Advise local, State and Federal officials, public and private agencies, and lay groups, on the needs for the prevention and reduction of delinquency;

(2) Hold district and State conferences from time to time, for the prevention and reduction of delinquency;

(3) Assist the schools and courts of this State with programs relating to the prevention and reduction of delinquency; and

(4) Through a program of education, assist the various communities in administering a program for the prevention and reduction of delinquency through coordinating and integrating the work of all delinquency prevention groups and institutions, using, in connection therewith, the services of such trained and lay-workers as are members of the local councils.

(*Ill. Rev. Stat.* 1943; Chap. 23, Sec. 220a.-220d.)

Civil Administration Code

AN ACT in relation to the civil administration of the State government, and to repeal certain acts therein named. Approved March 7, 1917.

(Sections 1-5 omitted.)

6. Advisory and non-executive boards.] § 6. Advisory and non-executive boards, in the respective departments, are created as follows:

. . . . . .

In the Department of Public Welfare:

A Board of Public Welfare Commissioners, composed of five persons;

A Board of State Reformatory for Women Advisors, composed of three women and two men;

An Advisory Board to the Division of Delinquency Prevention composed of at least twelve members selected by the Governor from representatives of the Advisory Council to the Big Brothers and Sisters Association of Illinois.

. . . . . .

(*Ill. Rev. Stat.* 1943; Chap. 127, Sec. 6.)

Prevention of Blindness of Newly Born Infants

Ophthalmia neonatorum, which in years past has caused nearly one-third of all blindness in children, has been effectively controlled through rigorous application of the statute quoted immediately below. This law requires the instillation of a prophylactic approved by the State Department of Public Health in the eyes of infants not later than one hour after birth. A 1 per cent solution of silver nitrate is the only approved prophylactic, and is supplied free to physicians. The department requires that each birth certificate indicate what treatment was given the baby's eyes. Unsatisfactory replies to that question are followed up by contact with the person who filed the birth certificate. This preventive program, under the joint leadership of the Department and the Illinois Society for the Prevention of Blindness, has been so successful that since April, 1940, not one Illinois infant has lost its sight as a result of ophthalmia neonatorum.

AN ACT for the prevention of blindness from ophthalmia neonatorum; defining ophthalmia neonatorum; designating certain powers and duties and otherwise providing for the enforcement of this act. Approved June 24, 1915.

106. Eye diseases in infant.] § 1. Be it enacted by the People of the State of Illinois represented in the General Assembly: That any diseased condition of the eye, or eyes of any infant in which there is any inflammation, swelling or redness in either one or both eyes of any such infant, either apart from or together with any unnatural discharge from the eye, or eyes of such infant, at any time within two weeks after the birth of such infant, shall, independent of the nature of the infection, be known as ophthalmia neonatorum.

107. Attending physician, etc., to make report.] § 2. It shall be the duty of any physician, surgeon, obstetrician, midwife, nurse, maternity home or hospital, of any nature or parent assisting in any way whatsoever, any woman at childbirth or assisting in any way whatsoever any infant, or the mother of any infant, at any time within two weeks after childbirth, observing or having a reasonable opportunity to observe the condition herein defined, and within six hours thereafter, to report in writing or by telephone followed by a written report such fact to the local health authorities of the city, town, village or other political division as the case may be, in

which the mother of any such infant may reside: Provided, that such reports and the records thereof shall be deemed privileged information and shall not be open to the public.

108. Maternity homes, etc.—Duties of physicians and midwives.] § 3. It is the duty of all maternity homes and any and all hospitals or places where women resort for purposes of childbirth, to post and keep posted in conspicuous places in their institution, copies of this Act, and to instruct persons professionally employed in such homes, hospitals and places regarding their duties under this Act, and to maintain such records of cases of ophthalmia neonatorum in the manner and form prescribed by the Department of Public Health.

It shall be the duty of any physician, midwife or nurse who attends or assists at the birth of a child, to instill or have instilled in each eye of the new born baby, as soon as possible and not later than one hour after birth, a one per cent (1%) solution of silver nitrate or some other equally effective prophylactic for the prevention of ophthalmia neonatorum approved by the State Department of Public Health. As amended by act approved April 20, 1933.

109. Duties of local health officer.] § 4. The local health officer shall:

(1) Investigate, in so far as that can be done without entering into the home or interfering with the child in any way without first securing the consent of the parents or guardian of such child, each case of ophthalmia neonatorum reported to him, and any other such case as may come to his attention.

(2) Report all cases of ophthalmia neonatorum and the results of all such investigations as he may make, to the Department of Public Health in the manner and form prescribed by said Department. As amended by act approved June 8, 1943.

110. Duties of Department of Public Health.] § 5. The Department of Public Health shall:

(1) Enforce the provisions of this Act;

(2) Provide for the gratuitous distribution of a scientific prophylactic for ophthalmia neonatorum, together with proper directions for the use and administration thereof, to all physicians and midwives authorized by law to attend at the birth of any child;

(3) Have printed and published for distribution throughout the State advice and information concerning the dangers of ophthalmia neonatorum and the necessity for the prompt and effective treatment thereof;

(4) Furnish similar advice and information, together with copies of this law, to all physicians, midwives, and others authorized by law to attend at the birth of any child;

(5) Prepare appropriate report blanks and furnish them to all local health officers for distribution to physicians and midwives free of charge;

(6) Report any and all violations of this Act to the prosecuting attorney of the district wherein the violation is committed. As amended by act approved June 8, 1943.

111. Collusion to misstate or conceal facts.] § 6. Any collusion between any official and any person, or between any others herein named, to misstate or conceal any facts which under this Act are essential to report correctly any case of ophthalmia neonatorum, shall likewise constitute a misdemeanor, and any person upon conviction thereof, shall suffer a penalty such as is hereinafter provided.

112. State's Attorney to prosecute.] § 7. It shall be the duty of the State's Attorney for the proper district to prosecute for all misdemeanors as herein prescribed.

113. Penalty.] § 8. Any person violating any of the provisions of this Act shall be guilty of a misdemeanor and shall, upon conviction thereof, be fined not less than fifty ($50) dollars nor more than one hundred ($100) dollars, or be imprisoned in the county jail not to exceed six months, or both, in the discretion of the court. As amended by act approved April 20, 1933.

(*Ill. Rev. Stat.* 1943; Chap. 91, Sec. 106-113.)

Important factors in the control of venereal disease have been the two statutes quoted immediately below regarding venereal disease tests before the issuance of marriage licenses and tests for syphilis for every pregnant woman. Venereal disease tests before the issuance of a marriage license will reasonably insure that both parties are free from such diseases at the time of marriage. This not only prevents infection from the marriage partner, but also tends to bring under medical care many persons who are infected. It is especially significant since persons applying for marriage licenses are ordinarily from those age groups in which the incidence of venereal disease is greatest. Syphilis, called by Sir William Osler "the great crippler," can and does account for handicaps suffered by many children. The prevention of syphilis is therefore of great concern to anyone interested in children.

Examination for Venereal Disease

AN ACT to revise the law in relation to marriages. Approved February 27, 1874.

(Sections 1-6 omitted.)

6a. Examination for venereal disease—Certificate of negative findings—Filing—Laboratory tests—Issuance of marriage licenses irrespective of laboratory tests and clinical examination—Penalties—License void after 30 days.] § 6a. All persons making application for a license to marry shall at any time within fifteen (15) days prior to such application be examined by a duly licensed physician as to the existence of or freedom from any venereal disease, and, except as otherwise herein provided, it shall be unlawful for the county clerk of any county to issue a license to marry to any person who fails to present for filing with such county clerk a certificate signed by such physician setting forth that such person to the proposed marriage is free from venereal diseases as nearly as can be determined by a thorough physical examination and such standard microscopic and serological tests as are necessary for the discovery of venereal diseases. If, on the basis of negative laboratory and clinical findings the physician in attendance finds no evidence of venereal diseases, he shall issue a certificate to that effect to the examinee, which certificate shall read as follows, to-wit:

I, (Name of Physician).....being a physician, legally licensed to practice in the State of.....(my credentials being filed in the office of..... in the City of.....County of.....State of.....) do certify that I did on the..... day of.....19... make a thorough examination of .....and considered the result of a microscopical examination for gonococci and an approved serological test for syphilis, which was made at my request, and believe..... to be free from all venereal diseases.

.....
Signature of Physician

.....
Signature of Person Examined

Such certificate of negative findings as to each of the parties to a proposed marriage to which laboratory reports of microscopical examinations of smears from the genitalia for the gonococcus of gonorrhea and serologic tests for syphilis are attached, shall be filed with the county clerk of the county wherein the marriage is to be solemnized at the time application is made for a license to marry. Laboratory tests for venereal diseases required hereunder shall be tests approved by the State Department of Public Health and shall be made by laboratories of said Department or by such other laboratories as are approved by said Department. Such tests as may be made by the health departments of cities, villages and incorporated towns maintaining laboratories shall be free of charge. The results of all laboratory tests shall be reported on standard forms prescribed by the State Department of Public Health.

Whenever any such physician's certificate is required by the provisions of this section, the person whose name is set forth therein as the person who was examined by such physician shall sign such certificate in the presence of such physician before such certificate is filed in the office of the county clerk.

Irrespective of the results of laboratory tests and clinical examination, the clerks of the respective counties shall issue a marriage license to parties to a proposed marriage (a) when the woman is pregnant at the time of such application, and (b) when the woman has, prior to the time of application, given birth to an illegitimate child which is living at the time of such application and the man making such application makes affidavit that he is the father of such illegitimate child. The county clerk shall, in lieu of the health certificate required hereunder, accept, as the case may be, either an affidavit on a form prescribed by the State Department of Public Health, signed by a physician duly licensed in this State, stating that the woman is pregnant, or a copy of the birth record of the illegitimate child, if one is available in this State, or if such birth record is not available, an affidavit signed by the woman that she is the mother of such child.

Also irrespective of the results of laboratory tests and clinical examination, the clerks of the respective counties shall issue a marriage license to parties to a proposed marriage when, after investigation, the Director of the State Department of Public Health, or his duly authorized representative, issues or causes to be issued a certificate that such marriage may be consummated without serious danger to the health of either party to the proposed marriage or to any issue of such marriage.

Any county clerk who unlawfully issues a license to marry to any person who fails to present for filing the certificate provided for in this Act or who refuses to issue a license to marry to any person legally entitled thereto under this Act, or any physician who knowingly and wilfully makes any false statement in the certificate or permits any person to sign such certificate as the person examined other than the person named by the physician in such certificate as the person examined, or any party or parties having knowledge of any matter relating or pertaining to the examination of any applicant for license to marry, who discloses the same, or any portion thereof, except as may be required by law, shall upon proof thereof be punished by a fine of not less than $100.00 nor more than $500.00 for each and every offense.

Any person who obtains any license to marry contrary to the provisions of this section shall, upon conviction thereof, be punished by a fine of not less than $100.00 or by imprisonment in the county jail for not less than three (3) months or by both such fine and imprisonment.

Any license to marry issued hereunder, is void thirty (30) days after the date thereof. As amended by act approved July 16, 1943.

(*Ill. Rev. Stat.* 1943; Chap. 89, Sec. 6a.)

Also of great importance is the law requiring a blood test for syphilis from every pregnant woman. Syphilologists believe that practically every case of prenatal syphilis could be prevented if the mother were adequately treated early in pregnancy. This law requiring that every pregnant woman be tested for syphilis will, if applied early in pregnancy, practically eliminate those cases of the disease which are transmitted from the mother to the unborn child and the devastating effects upon such children by the disease.

Prevention of Prenatal Syphilis AN ACT concerning blood tests for pregnant women for the purpose of preventing prenatal syphilis. Filed July 21, 1939.

113a. Blood tests for pregnant women, as to syphilis.] § 1. Every physician, or other person, attending in a professional capacity a pregnant woman in Illinois, shall take or cause to be taken a sample of blood of such woman at the time of the first examination. Said blood specimen shall be submitted to a laboratory approved by the State Department of Public Health for a serological test for syphilis approved by the State Department of Public Health. In the event that any such blood test shall show a positive or doubtful result a second test shall be made. Such serological test or tests shall, upon request of any physician in the State, be made free of charge by the State Department of Public Health or the Health Departments of cities, villages and incorporated towns maintaining Health Departments.

113b. Birth certificates, statements as to such blood tests.] § 2. In reporting every birth or still birth, physicians and others required to make such reports shall state on the birth certificate or still birth certificate, as the case may be, whether a blood test for syphilis has been made upon a specimen of blood taken from the

woman who bore the child for which a birth or still birth certificate is filed, together with the date when the blood specimen was taken and the name of the laboratory making the test. In no event shall the birth or still birth certificate state the result of the test.

113c. State Department of Health to administer act concerning blood tests for pregnant women.] § 3. This act shall be administered by the State Department of Public Health.

(*Ill. Rev. Stat.* 1943; Chap. 91, Sec. 113a-113c.)

The statutes quoted immediately below controlling the use and sale of deadly weapons and fireworks are included here because of their preventive aspects. The prohibition against the sale or use of fireworks except for supervised public displays should reduce the accidents caused by careless use of explosives. Children, especially, have been subject to maiming and even death through carelessness, either by themselves or by their elders, in the use of explosives, firecrackers, and the like.

Regulation of the Sale and Use of Fireworks

AN ACT to prohibit the sale, offering or exposing for sale of fireworks, defining fireworks and to regulate the manner of using fireworks, and to provide penalties for the violation of the provisions of the Act. Approved July 1, 1941.

276.27. "Fireworks" defined.] § 1. The term fireworks shall mean and include any explosive composition, or any substance or combination of substances, or article prepared for the purpose of producing an audible effect by explosion, deflagration or detonation, and shall include blank cartridges, toy cannons, in which explosives are used, the type of balloons which require fire underneath to propel the same, firecrackers, torpedoes, skyrockets, Roman candles, bombs, or other fireworks of like construction and any fireworks containing any explosive compound, or any tablets or other device containing any explosive substance; provided, however, that the term "fireworks" shall not include sparklers, toy pistols, toy canes, toy guns, or other devices in which paper caps containing twenty-five hundredths grains or less of explosive compound are used, providing they are so constructed that the hand cannot come in contact with the cap when in place for the explosion, and toy pistol paper caps which contain less than twenty hundredths grains of explosive mixture, the sale and use of which shall be permitted at all times.

276.28. Sale, use or explosion of fireworks prohibited—Public displays—Permits.] § 2. Except as hereinafter provided it shall be unlawful for any person, firm, copartnership, or corporation to offer for sale, expose for sale, sell at retail, or use or explode any fireworks; provided that city councils in cities, the president and board of trustees in villages and incorporated towns, and outside the corporate limits of cities, villages and incorporated towns, the board of county commissioners in counties not under township organization, and the board of supervisors in counties under township organization, shall have power to adopt reasonable rules and regulations for the granting of permits for supervised public displays of fireworks. Every such display shall be handled by a competent individual designated by the local authorities herein specified and shall be of such a character and so located, discharged or fired, as not to be hazardous to property or endanger any person or persons. Application for permits shall be made in writing at least fifteen (15) days in advance of the date of the display and action shall be taken on such application within forty-eight (48) hours after such application is made. After such privilege shall have been granted, sales, possession, use and distribution of fireworks for such display shall be lawful for that purpose only. No permit granted hereunder shall be transferable.

Permits may be granted hereunder to any groups of three (3) or more adult individuals applying therefor. No permit shall be required, under the provisions of this Act, for supervised public displays by State or County fair associations.

276.29. Sale at wholesale—Shipping out of State—Signals or illumination—Blank cartridges.] § 3. Nothing in this Act shall be construed to prohibit any resident wholesaler, dealer, or jobber to sell at wholesale such fireworks as are not herein prohibited; or the sale of any kind of fireworks provided the same are to be shipped

directly out of the State; or the use of fireworks by railroads, public utilities, public and private carriers or other transportation agencies for signal purposes or illumination, or the sale or use of blank cartridges for a show or theater, or for signal or ceremonial purposes in athletics or sports, or for use by military organizations.

276.30. Searches and seizures—Forfeiture—Destruction.] § 4. Whenever any city council, president and board of trustees of any village or incorporated town, or county board has reason to believe that any violation of this Act has occurred within its jurisdiction as prescribed in Section 2 of this Act and that the person so violating the Act has in his possession fireworks or combustibles, it may file or cause to be filed a complaint in writing, verified by affidavit, with any court, judge or justice of the peace within whose jurisdiction the premises to be searched are situated, stating the facts upon which such belief is founded, the premises to be searched, and the property to be seized, and procure a search warrant and execute the same. Upon the execution of such search warrant, the person executing the same, shall make due return thereof to the court, judge or justice of the peace issuing the same, together with an inventory of the property taken thereunder. The court, judge, or justice of the peace shall thereupon issue process against the owner of such property if he be known, otherwise against the party in whose possession the property so taken was found, if known. In case of inability to serve such process upon the owner or the person in possession of the property at the time of its seizure, as hereinbefore provided, notice of the proceedings before the court, judge or justice of the peace shall be given as required by the statutes of the State governing cases of attachment. Upon the return of the process duly served or upon the posting or publishing of notice made, as hereinabove provided, the court, judge, justice of the peace, or jury, if a jury shall be demanded, shall proceed to determine whether or not such property so seized was held or possessed in violation of this Act. In case of a finding that the fireworks or combustibles seized were possessed in violation of this Act, judgment shall be entered confiscating and forfeiting the property and ordering its delivery to the city, village, incorporated town or county, as the case may be, and in addition thereto, the court, judge or justice of the peace shall have power to tax and assess the costs of the proceedings. Such fireworks or combustibles shall be destroyed by the city, village, incorporated town or county, as the case may be, within a reasonable time after delivery.

276.31. Violations—Punishment.] § 5. Any person, firm, co-partnership, or corporation violating the provisions of this Act shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding one hundred dollars ($100) or by imprisonment in the county jail not exceeding ninety days (90), or by both such fine and imprisonment.

§ 6. Any provision of any act in this State inconsistent with any provision of this Act is hereby repealed.

§ 7. This Act shall take effect January 1, 1942.

(*Ill. Rev. Stat.* 1943; Chap. 38, Sec. 276.27-276.31.)

Manufacture, Possession. Storage, etc., of Fireworks

AN ACT relating to the manufacture, possession, storage, transportation, sale and use of fireworks throughout the State of Illinois. Filed July 11, 1935.

276.1. Title of Act.] § 1. This Act shall be known and may be cited as "The Fireworks Regulation Act of Illinois."

276.2. Definitions.] § 2. The following words and phrases, when used in this Act, shall for the purpose of this Act have the following definition and meaning:

(a) The term "fireworks" shall mean and include any combustible or explosive compositions, or any substance or combination of substances or articles prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration or detonation.

(b) The term "fireworks plant" shall mean and include all lands with buildings thereon, used in connection with the manufacturing or processing of fireworks, as well as storehouses located thereon for the storage of finished fireworks.

(c) The term "fireworks factory building" shall mean any building or other structure in which the manufacture of fireworks, other than sparklers, or in which any processing involving fireworks other than sparklers, is carried on.

(d) The term "magazine" shall mean any building or other structure used for the storage of explosive raw materials used in the manufacture of fireworks.

276.3. Storage and sale prohibited in certain stores.] § 3. Fireworks shall not be stored or kept for sale in a store:

(a) Where paints, oils or varnishes are manufactured or kept for use or sale unless such paints, oils or varnishes are in original unbroken containers.

(b) Where rosin, turpentine, gasoline or inflammable substance or substances which may generate vapors are used, stored or offered for sale; or

(c) Where there are not two approved chemical fire extinguishers or six pails of water readily available and equipped for use in extinguishing fires.

276.4. Keeping fireworks for sale at wholesale.] § 4. Fireworks to be sold at wholesale shall be kept in a room set aside for the storage of fireworks only. Over each entrance to this room shall be displayed a sign in conspicuous type: "CAUTION —FIREWORKS—NO SMOKING." No person shall be permitted to be in this room while carrying matches, or a lighted cigar, cigarette or pipe.

276.5. Explosion in vicinity of hospital.] § 5. No fireworks shall be discharged, ignited or exploded at any point in the State within 600 feet of any hospital, asylum or infirmary.

276.6. When retail sale permitted—Prohibition of certain fireworks.] § 6. Between June 27th and July 4th of each year, both inclusive, and at no other time except as provided in Section 7, shall it be lawful to sell at retail articles of fireworks in this State. Fireworks may be sold and used except as provided in Section 7, from June 27th to July 4th, both inclusive, and in such sections of the State where fireworks are customarily used, from December 20, to January 2nd, both inclusive; provided, however, that in years when the Fourth of July falls on Sunday and the succeeding Monday is officially observed, the use and sale of fireworks on July fifth, shall also be permitted.

The sale, use, manufacture, or possession of the following articles of fireworks is hereby prohibited at all times, except for special display purposes provided for in Section 7.

(a) Toy torpedoes more than 7/8 of an inch in length or more than 3/4 inch in outside diameter, and containing more than five grains of explosive mixture.

(b) Toy pistol paper caps containing more than .35 grains of explosive mixture.

(c) Firecrackers and salutes exceeding two inches in length or 9/16 inch in outside diameter, and containing in any case more than 10 grains of explosive mixture.

(d) Sky rockets larger than those commercially designated as two pound size.

(e) Balloons, parachutes, or like articles, carrying flaming substance.

(f) Any toy cannon, cane, pistol, or other device designed for the purpose of exploding blank cartridges or gun powder.

(g) Any article containing a compound or mixture of yellow or white phosphorus or mercury.

(h) Fireworks containing an ammonium salt combined with a chlorate or perchlorate.

(i) Fountains throwing a display more than ten feet in height.

(j) Explosive fireworks in which the explosive compound is contained in a casing composed of a material harder than an ordinary paper case.

276.7. Sale and use at other times upon permit of fire chief or mayor.] § 7. Upon written permission secured from the chief of the fire department, or in cities, villages or towns where there is no fire department, from the mayor or similar official, fireworks, may be sold and used at other times than those specified in Section 6, for public or private use and exhibitions of fireworks in connection with fairs, carnivals, or other celebrations. Fireworks being held in storage for such exhibitions must be kept in a closed wooden box, or covered with a tarpaulin, until they are to be used.

276.8. Exposure in windows—Original packages—Counters.] § 8. All retailers are forbidden to expose fireworks in windows where the sun shines through glass on the merchandise displayed, except where such fireworks are in the original package, and

all fireworks kept for sale on front counters must remain in original packages; provided, however, that fireworks in open stock may be kept in show cases or in counters out of reach of the public.

276.9. Smoking.] § 9. No smoking shall be allowed in a store where fireworks are offered for sale. Over each entrance to such a store a sign in large letters shall be displayed, reading, "FIREWORKS FOR SALE—NO SMOKING ALLOWED."

276.10. Certain type prohibited in theatres.] § 10. The use of what are technically known as fireworks showers or any mixture containing potassium chlorate, and sulphur in theatres or public halls is hereby prohibited.

276.11. Railroad, etc., signals or fuses.] § 11. Nothing in these regulations shall be construed as prohibiting the manufacture, storage or use of signals or fuses necessary for the safe operation of railroads, trucks, aircraft, or other instrumentalities of transportation.

276.12. Sale to children under 12 years.] § 12. It shall be unlawful for any one to sell fireworks of any kind at any time to children under the age of twelve (12) years, without the consent of their parents.

276.13. Fireworks factory building.] § 13. No factory building used in the manufacture of explosive fireworks shall be situated nearer than five hundred feet to any inhabited dwelling, nor nearer than two hundred feet to any highway or any railroad, nor nearer than one hundred feet to any building used for the storage of explosives or fireworks, nor nearer than fifty feet to any other factory building. This section shall not apply to existing factory buildings in fireworks plants now in operation.

(a) All fireworks plants shall be enclosed on all sides by a fence and all openings to such enclosures shall be fitted with suitable gates, which, when not locked, shall be in charge of a competent watchman who shall have charge of the fireworks plant when it is not in operation. This sub-section shall not apply to existing plants.

(b) No stoves, or exposed flame shall be used in any part of any fireworks plant, except in the boiler room or machine shop, or in buildings where no fireworks or chemicals are stored therein. All parts of the buildings in fireworks plants shall be kept clean, orderly and free from accumulations of dust and rubbish.

(c) Fireworks in the finished state shall not be stored in buildings where fireworks are in process of manufacture.

(d) Each shipping package of fireworks shall bear upon the outside thereof the words, "FIREWORKS—HANDLE CAREFULLY—KEEP FIRE AWAY" in letters not less than $\frac{1}{8}$ inch in height, and in addition shall show the name of the fireworks manufacturer.

(e) No employee or other person shall enter or attempt to enter any fireworks plant with matches, a lighted cigar, cigarette or pipe or other flame-producing device, nor with liquor or narcotics in his or her possession or control, nor while under the influence of liquor or narcotics, nor partake of intoxicants or narcotics while in the plant.

(f) It shall be the duty of the superintendent, foreman or other person in charge of any fireworks plant to provide safety containers for matches at all main entrances of the plant, where all matches in the possession of all persons shall be deposited before entering the plant enclosure.

(g) All fireworks plants shall be properly posted with "WARNING" and "NO SMOKING" signs.

276.14. Certificate of registration required for new fireworks plant.] § 14. It shall be unlawful for any person to begin operation of a new fireworks plant without a certificate of registration issued by the Department of Registration and Education pursuant to the provisions of this Act.

276.15. When Certificate issued.] § 15. A person is qualified to receive such certificate of registration if such plant for which a certificate is sought, is constructed and maintained in conformance with the provisions of this Act.

276.16. Application—Fee—Issuance—Certificate to be posted.] § 16. Every person who desires to obtain a certificate of registration shall apply therefor to the

Department of Registration and Education, in writing on blanks prepared and furnished by said Department. Each application shall state the name and address of the applicant and the address of the plant for which such certificate is sought, together with a detailed description of the plant. Such application shall be verified by the applicant under oath. A registration fee of fifty dollars ($50.00) shall accompany each such application.

If upon inspection, the Department of Registration and Education finds that the provisions of this Act have been complied with, a certificate of registration shall be issued to such applicant. Such certificate of registration shall be posted in a conspicuous place near the entrance to the fireworks plant and shall continue in force until revoked.

276.17. Denial of certificate.] § 17. If said department denies such application, it shall file in its office a statement of the reasons therefor and furnish the applicant with a copy of the same.

276.18. Revocation of certificate.] § 18. The department may revoke any certificate of registration if the holder thereof has violated any of the provisions of this Act.

276.19. Reasons for revocation to be filed.] § 19. If a certificate is revoked the department shall file in its office a statement of the reasons therefor and furnish a copy of same to the holder of such certificate. No fireworks plant shall be operated after revocation of its certificate of registration until such fireworks plant complies with this Act, and a new certificate is issued.

A record of the certificates of registration, issued and revoked, shall be kept on file in the office of the department, and a duplicate sent to the chief of the fire department of each community in which a fireworks plant is located.

276.20. Hearing—Review of decisions.] § 20. The department shall give all applicants for, or holders of certificates of registration sufficient opportunity to be heard before any final decision to revoke or to refuse to issue a certificate of registration under this Act, shall be rendered. All final orders or decisions of the department shall be subject to review in the manner hereinafter provided.

276.21. Conduct of hearings.] § 21. The manner of conducting hearings provided for in Section 20 of this Act and the procedure as to appeals from any final order or decision of the department, shall conform as nearly as may be, to the provisions governing hearings and appeals set forth in Sections 60-c to 60-l, inclusive, of "The Civil Administrative Code of Illinois," approved March 7, 1917, as amended.

276.22. Rules and regulations.] § 22. The department may adopt reasonable rules and regulations relating to the enforcement of the provisions of this Act.

276.23. Transportation under Interstate Commerce Commission—Militia—Railroad, etc., Signals.] § 23. Nothing in these regulations shall be construed as applying to the transportation of any article or thing shipped in conformity with the regulations prescribed by the Interstate Commerce Commission, nor as applying to the military or naval forces of the United States, nor to the duly authorized militia of the State, nor to the use of signals necessary for the safe operation of railroads, steamboats, trucks, or aircraft.

276.24. Regulation by cities, villages and towns—Partial invalidity.] § 24. The provisions of this Act shall not be construed or held to abrogate or in any way affect the power of cities, villages, and incorporated towns to regulate, restrain and prohibit the use of fireworks, firecrackers, torpedoes, Roman candles, skyrockets and other pyrotechnic displays within their corporate limits. The sections of this Act and every part of such sections are hereby declared to be independent sections and parts of sections, and the invalidity of any section or part thereof shall not affect any other section or part of a section.

276.25. Penalties for violation.] § 25. Whoever fails to comply with or violates any of the provisions of this Act shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than $25.00 nor more than $500.00, and whoever, after receiving written notice from the Department of Registration and Education, or its authorized representative, directing compliance with specified provisions of the Act fails to comply with the provisions of the Act specified in said

notice, shall be guilty of a misdemeanor and upon conviction shall be punished by a fine not less than $50.00 or more than $1,000.00 or by imprisonment for not exceeding one year, or by both such fine and imprisonment in the discretion of the court.

276.26. Effective date.] § 26. This Act shall take effect on the first day of August, Nineteen Hundred and Thirty-five.

(*Ill. Rev. Stat.* 1943; Chap. 38, Sec. 276.1-276.26.)

Deadly Weapons AN ACT revising the law relating to deadly weapons. Filed July 3, 1925.

152. Having in possession or selling.] § 1. It shall be unlawful for any person to carry or possess or sell, loan or give to any person, any black-jack, slung-shot, sand-club, sand-bag, metal knuckles, bludgeon, or to carry or possess, with intent to use the same unlawfully against another, a dagger, dirk, billy, dangerous knife, razor, stiletto or any other dangerous or deadly weapon or instrument of like character.

152a. Carrying or possessing tear gas gun, projector or bomb, etc., prohibited—Exceptions.] § 1-A. No person, except a duly appointed or elected law enforcement officer, member of the Army, Navy or Marine Corps of the United States, or of the National Guard, or organized reserves, in pursuance of his official duty, or employee or agent of a bank, trust company, express company, railroad company or of a commercial institution, in pursuance of, and while engaged in the discharge of the duties of his or her employment, shall possess or carry on or about his or her person, or in any vehicle a tear gas gun, projector or bomb or any object containing noxious liquid gas or substance. Added by act approved July 18, 1941.

153. Register of sales by dealer.] § 2. All persons dealing in firearms of a size which may be concealed upon the person, at retail, within this State, shall keep a register of all such weapons sold or given away by them. Such register shall contain the date of the sale or gift, the name, address, age and occupation of the person to whom the weapon is sold or given, the price of the said weapon, the kind, description and number of the weapon and the purpose for which it is purchased or obtained.

The said register shall be in the following form:

Date of sale or gift	Name address and age of purchaser or donee	Occupation of purchaser or donee	Kind, description and No. of weapon	Purpose for which purchased or obtained	Price of weapon

Every such person as aforesaid, shall, on demand, allow any police officer, sheriff or deputy sheriff to enter and inspect all stock on hand and shall, on request of such officer, produce for inspection the register so required to be kept as aforesaid.

153a. Defacing identification marks.] § 2-A. No person shall change, alter, remove, or obliterate the name of the maker, model, manufacturer's number, or other mark of identification on any firearm. Possession of any firearm upon which any such mark shall have been changed, altered, removed, or obliterated, shall be *prima facie* evidence that the possessor has changed, altered, removed or obliterated the same. Added by act approved June 29, 1931.

154. Sale or gift to alien or minor.] § 3. No person, firm, or corporation shall sell or give to any alien or to any minor under the age of 18 years any firearm of a size which may be concealed upon the person.

155. Carrying concealed firearms.] § 4. No person shall carry concealed on or about his person a pistol, revolver or other firearm. This provision does not apply, however, to the following officers while engaged in the discharge of their official duties: Sheriffs, coroners, constables, policemen or other duly constituted peace officers, and wardens, superintendents and keepers of prisons, penitentiaries, jails and

other institutions for the detention of persons accused or convicted of crime; nor to the following employes or agents while engaged in the discharge of the duties of their employment: conductors, baggagemen, messengers, drivers, watchmen, special agents and policemen employed by railroads or express companies; nor to persons lawfully summoned by an officer to assist in making arrests or preserving the peace while so engaged in assisting such officer.

Nor shall any person carry in a motor vehicle any firearm with the intent to use the same in the commission of any crime, nor shall any person who habitually associates with thieves or who habitually frequents houses of ill fame or gambling places, carry in a motor vehicle any firearm. As amended by act approved June 29, 1931.

155a. Carrying in motor vehicle by previous offender.] § 4-A. No person shall carry in a motor vehicle any firearm within ten (10) years after he shall have been convicted of murder, robbery, burglary, assault with intent to commit a felony, or any other crime of violence, or any violation of the first paragraph of Section 4 hereof. Added by act approved June 29, 1931.

156. Penalties.] § 5. Whoever shall violate any of the provisions of Sections 1, 1-A, 2-A, 4 or 4-A of this Act shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than three hundred dollars ($300) or imprisonment in the county jail for a period of not more than one (1) year, or both such fine and imprisonment.

Whoever shall violate any of the provisions of Section 2 or Section 3 of this Act shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than three hundred dollars ($300) or imprisonment in the county jail for a period of not more than six (6) months, or both such fine and imprisonment. As amended by act approved July 18, 1941.

157. Prior conviction of certain crimes.] § 6. Whoever, after having been convicted of murder, robbery, burglary, or assault with intent to commit a felony, shall within five years thereafter violate the provision of either Section 1 or Section 4 of this Act, shall be guilty of a felony and, upon conviction, shall be punished by imprisonment in the penitentiary for not less than one year nor more than ten years.

158. Firearms in home or place of business.] § 7. The provisions of this Act shall never be construed as depriving any citizen of the right to keep in his home or place of business, any firearm reasonably necessary for the protection thereof.

158a. Construction of Act.] § 8. Nothing contained in Section 2 of this Act shall be construed as in any way negativing or altering the effect of the provisions of Section 3.

158b. Repeal—Revocation of licenses.] § 9. "An Act to revise the law in relation to deadly weapons," filed July 11, 1919, is repealed, and all licenses to carry concealed upon the person, any pistol, revolver or other firearms, issued under the provisions of said act, are hereby revoked and cancelled.

(*Ill. Rev. Stat.* 1943; Chap. 38, Sec. 152-158b.)

School Health Examinations

Legislation requiring periodic school health examinations and cumulative records of each child's physical condition creates an important instrument for the early discovery of handicaps or conditions which may lead to handicapping. While such examinations are not preventive measures in themselves, this legislation does create a state-wide case finding program which is a necessary foundation for any program of prevention and treatment.

AN ACT to provide for the health, physical education and training of pupils in the public schools, State Teachers' Colleges and State Normal Universities, and to repeal an act herein named. Approved July 22, 1943.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

(Sections 523.1-523.3 omitted.)

523.4. Physical examinations.] § 4. As soon as practicable, physical examinations, as prescribed by the Superintendent of Public Instruction, with the advice and aid of the Department of Public Health, shall be required of all pupils in the public elementary and secondary schools, except as hereinafter provided, immediately prior to or upon their entrance into the first grade, and not less than every fourth year thereafter. Additional health examinations of pupils may be required when deemed necessary by the school authorities.

Such examinations shall be made by physicians and dentists licensed to practice in the State. Cumulative records of such examinations shall be kept by the school authorities.

Individual pupils objecting to physical examinations on constitutional grounds shall not be required to submit themselves to such examinations, if they present to the boards of directors, boards of inspectors, Boards of Education, or Teachers College Board, a statement of such objection signed by a parent or guardian of the child. Exempting a pupil from the physical examination does not exempt him from required participation in the program of physical education and training provided in this Act.

(Section 523.5 omitted.)

(*Ill. Rev. Stat.* 1943; Chap. 122, Sec. 523.4.)

PROVISIONS FOR PROTECTION, TREATMENT AND CARE

The statutes quoted in this section relate to only those treatment facilities established as State services. These by no means exhaust the available treatment facilities for conditions which cause handicaps. In addition to the private medical institutions providing care, there are, throughout the State, numerous private agencies which act as referral agencies for their clients or assume total or partial financial responsibility for furnishing needed services.

PHYSICALLY HANDICAPPED CHILDREN

An important state-wide agency rendering medical, nursing, and social services to one category of the handicapped—crippled children—is the Division of Services for Crippled Children of the University of Illinois. This Division, formerly a unit of the Department of Public Welfare, is specially cited here because it offers the only state-wide case finding and treatment program within one agency in the State.

Services for Crippled Children

The Division was established in 1937 by administrative action within the Department of Public Welfare to render services to crippled children as provided for by the Federal Social Security Act, Title V, Part 2.

The purpose of the program, as defined by the Social Security Act is to "extend and improve (especially in rural areas and areas suffering from severe economic distress) . . . services for locating crippled children, and for providing medical, surgical, corrective and other services and care, and facilities for diagnosis, hospitalization, and after-care, for children who are crippled or who are suffering from conditions which lead to crippling." This program in Illinois is financed through Federal funds, allocated to Illinois on the basis of the State's expenditures at the Illinois Surgical Institute for Children, and through a State appropriation, for the 1943-45 biennium, of $225,000. Of the latter amount, $25,000 is to be expended for care of victims of poliomyelitis of not more than one year's duration, regardless of the age of the patient.

Although the Division utilizes the facilities at the Illinois Surgical Institute for Children for a considerable portion of its patients, the resources of other hospitals throughout the State are also used.

This program operates throughout downstate Illinois and, to a limited extent, in Chicago, through a field staff of medical social consultants, orthopedic public health nurses, and speech correctionists. More than 100 outpatient diagnostic and treatment clinics are held each year. At these clinics, children who are crippled or in need of oral or plastic surgery are examined by qualified orthopedic surgeons and pediatricians, who make recommendations for further care and treatment. For such cases as are economically eligible, the recommendations are carried out by the Division.

The Division operates to supplement rather than to supplant the interest of any local group or organization in the care and treatment of crippled children. It accordingly co-operates with such local organizations and groups in the conduct of some of its clinics.

The statutes quoted below represent legislative enactments specifically related to the medical care and treatment of handicapped children. The Civil Administrative Code of 1917 and other enactments relating to the duties of the Departments of Public Welfare and Public Health make provision for many other services which may be performed for handicapped persons. Examples of these services which are not described here are the public health nursing and communicable disease programs of the Department of Public Health, and the medical and training services performed in the various institutions of the Department of Public Welfare.

Prior to July 1, 1941, the various units making up the Research and Educational Hospitals were jointly operated by the Department of Public Welfare and the University of Illinois. Since that date, as the result of an agreement between the two agencies, the administration of these units has been under the University only.

Research and Educational Hospitals AN ACT in relation to the founding and operation of Research and Educational Hospitals of the State of Illinois. Approved July 3, 1931.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

71a. Terms defined.] § 1. "Department" as used in this Act means the Department of Public Welfare; "University" means the Board of Trustees of the University of Illinois, and "Research and Educational Hospitals" comprises the University Clinical Institute, the Out Patient Department of the University, the Institute for Juvenile Research, the Illinois Surgical Institute for Children, the Psychiatric Institute and such other hospitals, institutes and infirmaries as may be added thereto by agreement of the Department and the University. The Medical and Dental Colleges of the University of Illinois may be operated in conjunction threwith to such extent as may be deemed practicable and subject to agreement with the University. As amended by act filed May 27, 1941.

71b. Management—Control and operation.] § 2. The general management, control and operation of the Research and Educational Hospitals shall be in the Department and the University. In general the Department may have the administration and the University the research, educational and professional activities. The Department and the University may by agreement make general rules for the operation and maintenance of the Research and Educational Hospitals. Such rules shall be binding upon the Department and the University until modified by mutual agreement.

71c. Managing officer.] § 3. The Department and the University may, by agreement, provide for a managing officer for the Research and Educational Hospitals and prescribe his duties and compensation. If provision be made for him, he shall be appointed by the Department on the nomination of the University.

71d. Improvements—Gifts.] § 4. The University may make expenditures for buildings and other improvements from appropriations made to it, which buildings

and improvements are upon land the control and legal title to which is in the State of Illinois rather than in the University. Control of buildings erected on such land shall be in the University.

Gifts for the Research and Educational Hospitals may be received and shall be administered in accordance with the terms of the gift.

71e. Fees.] § 5. The rules made by the Department and University may fix charges or fees in connection with services rendered, but no person shall make or collect a personal or professional charge for his own compensation for treating, caring for or nursing a patient in the Research and Educational Hospitals.

(*Ill. Rev. Stat.* 1943; Chap. 23, Sec. 71a-71e.)

Surgical Institute for Children

This Institute provides surgical care for crippled children and has a capacity of 120 beds. It is used to supply teaching material for the University of Illinois College of Medicine, and has available a complete staff of medical specialists, nurses, physical therapists, and teachers. Admission is obtained through referral by physicians and health and welfare agencies.

AN ACT to establish a surgical institute for children. Approved June 6, 1911.

312. Surgical institute for children authorized.] § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* There is hereby authorized to be established a surgical institute in and for the State of Illinois for the surgical treatment of children under the age of sixteen years, suffering from physical deformities or injuries of a nature which will likely yield to surgical skill and treatment and which unless so treated will probably make such children, in whole or in part, in after life, public charges. As amended by act approved June 28, 1919.

313. Name.] § 2. Said institute shall be known as the Illinois Surgical Institute for Children; and by such name shall be and constitute a corporation, under the laws of the State of Illinois.

314. Purpose and object.] § 3. The purpose and object of said institute shall be to receive, treat and nurse such children whose parents or guardians may be financially unable to provide surgical treatment, as may be physically deformed or suffering from injuries requiring surgical treatment, to the end that their physical disabilities may be removed, and that they may be thereby made able to become self-sustaining, instead of being or becoming, at some future time, public charges.

315. Management and control.] § 4. The management and control of said institution shall be vested in the Department of Public Welfare. As amended by act approved June 28, 1919.

316. Who may be admitted.] § 5. Any child under the age of sixteen years whose parents, or natural guardian, may be unable to furnish proper surgical treatment and who may be in need of the same, may be admitted to such institute, upon an order to that effect made by the county judge of the county in which said child may have had a legal residence for one year last past. The county treasurer of the county in which said child may have so resided shall, upon the order of said county judge, furnish said child with transportation from the place where said child may so reside to the place of said institution and return. The order admitting such child shall, when made, be filed with the superintendent of said institute, and said child shall be admitted thereto in the regular order of filing as soon thereafter as said institute can provide room, care and attendance therefor. Said child, if deemed feasible, shall be treated, nursed in said institute, until a recovery is effected, or it becomes apparent that further treatment will be of no avail, whereupon it shall be discharged and returned to its former place of residence. As amended by act approved June 28, 1919.

317. Location.] § 6. Said institution shall be located in that portion of Illinois which may be deemed most advantageous.

318. Construction of buildings.] § 7. All buildings for the use of the Illinois surgical institute for children shall be erected or constructed in accordance with the provisions of Sections 28 and 49 of the Civil Administrative Code of Illinois. As amended by act approved June 28, 1919.

319. General Superintendent.] § 8. The Department of Public Welfare shall appoint a skilled and capable surgeon, general superintendent, and may remove him for cause stated, first having given him a copy of the charges against him, and reasonable notice of the time and place when such charges will be heard, and an opportunity to defend himself. As amended by act approved June 29, 1943.

(Sections 9, 10 repealed.)

320. Gift, donation, bequest, etc.] § 11. The Department of Public Welfare may, from time to time, accept, hold and use for the benefit of said institution, or the inmates thereof, any gift, donation, bequest or devise of money, or real or personal property, and may agree to and perform any condition of such gift donation, bequest or devise, not contrary to law. As amended by act approved June 29, 1943.

321. Rules and regulations.] § 12. The Department of Public Welfare shall establish all needful rules and regulations for the management of said institution and the inmates thereof. As amended by act approved June 29, 1943.

321a. Construction.] § 12a. The rights, powers and duties of the Department of Public Welfare enumerated in the foregoing sections of this act shall be subject to "An Act in relation to the founding and operation of Research and Educational Hospitals of the State of Illinois", approved July 3, 1931, as amended, and to contracts and agreements between the Board of Trustees of the University of Illinois and the Department of Public Welfare entered into pursuant to said Act. Added by act approved June 29, 1943.

(Sections 13-19 repealed.)

(*Ill. Rev. Stat.* 1943; Chap. 23, Sec. 312-321a.)

Neuropsychiatric Institute

The name "Illinois Neuropsychiatric Institute" has been substituted for the name "State Psychopathic Institute," although the latter remains the legal title. A unit of the Research and Educational Hospitals, the Institute provides medical and surgical care for organic neurological and psychiatric cases. Of the seventy-four beds for psychiatric cases and of the forty-eight beds for neurological cases, fourteen and twelve, respectively, are available for children.

AN ACT to revise the laws relating to charities. Approved June 11, 1912.

(Sections 2-9 omitted.)

10. Psychopathic Institute.] § 10. The Department of Public Welfare shall maintain the State Psychopathic Institute and shall appoint a director thereof and a psychologist, who shall perform their duties under the direction of the Department. They shall receive annual salaries to be fixed by the Department. All State institutions shall cooperate with the psychopathic institute in such manner as the Department may from time to time direct. The Department may employ such assistants as are necessary for the service of the State Psychopathic Institute. As amended by act approved June 29, 1943.

(*Ill. Rev. Stat.* 1943; Chap. 23, Sec. 10.)

Illinois Eye and Ear Infirmary

The Illinois Eye and Ear Infirmary, which is administered by the Department of Public Welfare and supported by State appropriations, is provided for in three legislative enactments. The Infirmary furnishes hospital care and clinic services for all conditions of eye, ear, nose, and throat to indigent citizens of the State whether they are children or adults. The total appropriation of the Infirmary for the 1943-45 biennium was $381,678.

Only those portions of the following act which apply exclusively to the Illinois Eye and Ear Infirmary are quoted here. Other provisions of the act

pertaining to charitable institutions in general, will be found on page 80 of this publication.

AN ACT to regulate the state charitable institutions and the state reform school, and to improve their organization and increase their efficiency. Approved April 15, 1875.

39, 40. Sections 1, 2 repealed. Act approved June 29, 1943.

(Sections 41-43a omitted.)

44. Object of the eye and ear infirmary.] § 6. The object of the charitable Eye and Ear Infirmary shall be to provide gratuitous board and medical and surgical treatment for all indigent residents of Illinois, who are afflicted with diseases of the eye or ear.

45-59. Sections 7 to 21 repealed. Act approved June 30, 1925.

(Sections 60-70 omitted.)

(*Ill. Rev. Stat.* 1943; Chap. 23, Sec. 44.)

AN ACT to change the name of the Illinois Charitable Eye and Ear Infirmary. Approved June 27, 1923.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

70a. Illinois Eye and Ear Infirmary—Change of name.] § 1. The Illinois Charitable Eye and Ear Infirmary located at Chicago, Illinois, shall, after the passage of this Act, be known as the "Illinois Eye and Ear Infirmary," and under that name and title shall have, possess, be seized of and exercise all rights, privileges, franchises, powers and estates, which have hitherto belonged to said Illinois Charitable Eye and Ear Infirmary.

(*Ill. Rev. Stat.* 1943; Ch. 23, Sec. 70a.)

AN ACT making appropriations for the Illinois Charitable Eye and Ear Infirmary at Chicago. Approved April 10, 1875.

(Sections 1, 2, 3, and 5, appropriation, omitted.)

71. Free admission of poor patients.] § 4. Patients from the State of Illinois who present to the superintendent of the infirmary a written certificate, signed by the supervisor of the town, or by the county judge of the county in which they reside, of their absolute inability to pay charges for board or treatment, shall be admitted and treated free of charge.

(*Ill. Rev. Stat.* 1943; Ch. 23, Sec. 71.)

County Tuberculosis Sanitariums

The treatment of tuberculosis has been given great impetus in Illinois through the law which enabled counties to levy a tax not to exceed one and one-half mills on the dollar on all taxable property in the county for a tuberculosis sanitarium. By November, 1941, sixty-nine counties had voted taxes for this purpose. While all these counties do not have tuberculosis control programs, a good many are providing diagnostic, case-finding, and treatment facilities. Other statutes permit counties to combine facilities for the care and treatment of tuberculosis and provide for the establishment of similar programs by municipalities.

The Department of Public Health gave effective assistance to tuberculosis control programs by the appointment of the Medical Tuberculosis Control Officer and Chief of the Division of Tuberculosis Control, to take office in February, 1942.

Statutes quoted below are those which provide authority for the establishment of county tuberculosis sanitariums, validate prior elections for the establishment of such sanitariums, authorize the establishment of tuberculosis sanitarium districts by contiguous counties, and empower municipalities to establish tuberculosis sanitariums.

AN ACT relating to the care and treatment by counties of persons afflicted with tuberculosis and providing the means therefor. Approved June 28, 1915.

164. County board may establish tuberculosis sanitarium—Tax.] § 1. The county board of each county of this State shall have the power, in the manner hereinafter provided, to establish and maintain a county tuberculosis sanitarium, and branches, dispensaries, and other auxiliary institutions connected with the same, within the limits of such county, for the use and benefit of the inhabitants thereof, for the treatment and care of persons afflicted with tuberculosis, and shall have the power to levy a tax, subject to such further limitation as may be occasioned by the issuance of bonds as hereinafter provided, not to exceed one and one-half (1½) mills on the dollar, annually on all taxable property of such county, such tax to be levied and collected in like manner with the general taxes of such county, and to form, when collected, a fund to be known as the "Tuberculosis Sanitarium Fund," which said tax shall be in addition to all other taxes which such county is now, or hereafter may be, authorized to levy on the aggregate valuation of all property within such county, and the county clerk, in reducing tax levies under the provisions of Section 2 of "An Act concerning the levy and extension of taxes," approved May 9, 1901, as amended, shall not consider the tax for said tuberculosis sanitarium fund, authorized by this Act, as a part of the general tax levy for county purposes, and shall not include the same in the limitation of one (1) per cent of the assessed valuation upon which taxes are required to be extended; provided, that in order to secure greater working efficiency any county maintaining a tuberculosis sanitarium may convey the property acquired for such purpose, or any part thereof, or any interest therein, to any other county or counties adjacent thereto upon such terms and conditions as the respective county boards thereof shall agree on by a majority vote of all the members of each of said county boards. As amended by act approved July 1, 1938.

165. Petition—Submission to vote—Joint construction by two or more counties.] § 2. When one hundred legal voters of any county shall present a petition, to the County Board of such county asking that an annual tax may be levied for the establishment and maintenance of a county tuberculosis sanitarium in such county, such County Board shall instruct the County Clerk to, and the County Clerk shall, in the next legal notice of a regular general election in such county, give notice that at such election every elector may vote "For the levy of a tax for a county tuberculosis sanitarium," or "Against the levy of a tax for a county tuberculosis sanitarium," and provisions shall be made for voting on such proposition, in accordance with such notice, and if a majority of all the votes cast upon the proposition shall be for the levy of a tax for a county tuberculosis sanitarium the County Board of such county shall thereafter annually levy a tax of not to exceed one and one-half (1½) mills n the dollar, which tax shall be collected in like manner with other general taxes in such county and shall be known as the "Tuberculosis Sanitarium Fund," and thereafter the County Board of such county shall, in the annual appropriation bill, appropriate from such fund such sum or sums of money as may be deemed necessary to defray all necessary expenses and liabilities of such county tuberculosis sanitarium.

If a county has adopted a proposition for the levy of a tax of not to exceed one mill on the dollar for a county tuberculosis sanitarium such tax may be increased to not to exceed one and one-half (1½) mills on the dollar by submitting the proposition to increase such tax to the voters of such county at any general election in the county or any general election in all the townships in such county.

The county boards of any two or more adjoining counties each having a population of less than 500,000 inhabitants may hereafter by agreement provide for the joint construction, maintenance and control of a tuberculosis sanitarium. Such agreement shall specify the site of the proposed sanitarium and the proportionate share of the cost of construction and the cost of maintenance which shall be borne by each of such counties. The proposition for such joint construction, maintenance and control shall be submitted to the voters of each such county at the next succeeding general election in such county or at a special election called for such purpose and shall state the proposed site of such sanitarium and the proportionate share of the cost of construction

and maintenance to be borne by the respective counties concerned. If such proposition is approved by a majority of the voters in each of such counties voting upon the proposition, the county board of each such county shall appoint three directors. The qualifications, terms of office and removal of said directors appointed in each such county shall be as provided in Sections 3 and 4 of this Act and vacancies shall be filled in the manner provided in Section 5 hereof. The directors so appointed by the several counties shall constitute a joint board of directors for the control and management of the tuberculosis sanitarium. Said joint board of directors shall exercise the powers and be subject to the duties prescribed in this Act for boards of directors of tuberculosis sanitaria. The county board of each of said counties shall annually levy the tax herein provided, and may issue bonds as provided in this amendatory Act, for the purpose of defraying its proportionate share of the cost of construction and maintenance of the tuberculosis sanitarium.

If any county shall issue bonds as hereinafter provided, then so long as taxes are required to be levied and extended to pay the principal of and interest on such bonds, the rate extended in any year for the benefit of the tuberculosis sanitarium fund shall be limited to the amount by which one and one-half mills on the dollar exceeds the rate extended in such year to pay such principal of and interest on such bonds. As amended by act approved July 1, 1938.

166. Board of directors—How appointed.] § 3. When in any county such a proposition, for the levy of a tax for a county tuberculosis sanitarium has been adopted as aforesaid, the chairman or president, as the case may be, of the county board of such county, shall, with the approval of the county board, proceed to appoint a board of three directors, one at least of whom shall be a licensed physician, and all of whom shall be chosen with reference to their special fitness for such office.

167. Term of office—Removal.] § 4. One of said directors shall hold office for one year, another for two years, and another for three years, from the first day of July following their appointment, but each until his successor is appointed, and at their first regular meeting they shall cast lots for the respective terms: and annually thereafter the chairman or president, as the case may be, of the county board, shall, before the first day of July of each year, appoint as before one director, to take the place of the retiring director, who shall hold office for three years and until his successor is appointed. The chairman or president, as the case may be, of the county board may, by and with the consent of the county board, remove any director for misconduct or neglect of duty.

168. Vacancies—Compensation.] § 5. Vacancies in the board of directors, occasioned by removal, resignation, or otherwise, shall be reported to the county board, and be filled in like manner as original appointments; and no director shall receive compensation as such, or be interested, either directly or indirectly, in the purchase or sale of any supplies for said sanitarium.

169. Organization—By-laws and rules—Control of funds—Powers.] § 6. Said directors shall, immediately after appointment, meet and organize, by the election of one of their number as president and one as secretary, and by the election of such other officers as they may deem necessary. They shall make and adopt such by-laws, rules, and regulations, for their own guidance and for the government of the sanitarium and the branches, dispensaries, and auxiliary institutions and activities connected therewith, as may be expedient, not inconsistent with this act. They shall have the exclusive control of the expenditure of all moneys collected to the credit of the tuberculosis sanitarium fund, and of the construction of any sanitarium building, or other buildings necessary for its branches, dispensaries, or other auxiliary institutions or activities in connection with said institution, and of the supervision, care and custody of the grounds, rooms or buildings constructed, leased, or set apart for that purpose: Provided, that all moneys received for such sanitarium with the exception of moneys the title to which rests in the board of directors in accordance with Section 9 infra, shall be deposited in the treasury of said county to the credit of the tuberculosis sanitarium fund, and shall not be used for any other purpose, and shall be drawn upon by the proper officers of said county upon the properly authenticated vouchers of said board of directors. Said board of directors shall have the power to purchase or lease ground within the limits of such county, and to occupy, lease or erect an appropriate building or buildings for the use of said sanitarium, branches, dispensaries and other auxiliary institutions and activities connected therewith, by and with the approval of the county board: Provided, however, that no such building shall be constructed until detailed plans therefor shall have been submitted to the secretary of the State Board

of Health, and shall have been approved by him: And, provided, further, that no building in which tuberculosis patients are to be housed shall be built on the grounds of a county poor farm, but shall have separate and distinct grounds of its own. Said board of directors shall have the power to appoint suitable superintendents or matrons, or both and all necessary assistants, and to fix their compensation, and shall also have the power to remove such appointees, and shall in general carry out the spirit and intent of this act in establishing and maintaining a county tuberculosis sanitarium: Provided, that no sanitarium or branch, or dispensary, or auxiliary institution, or activity, under this act, for tuberculosis patients shall be under the same management as a county poor farm, or infirmary, but shall, on the contrary, be under a management separate and distinct in every particular. One or more of said directors shall visit and examine said sanitarium, and all branches, dispensaries, auxiliary institutions, and activities at least twice in each month, and shall make monthly reports of the condition thereof to the county board.

170. Sanitarium to be free—Regulations.] § 7. Every sanitarium established under this act shall be free for the benefit of such of the inhabitants of such county as may be afflicted with tuberculosis, and they shall be entitled to occupancy, nursing, care, medicines and attendance, according to the rules and regulations prescribed by said board of directors. Such sanitarium shall always be subject to such reasonable rules and regulations as said board of directors may adopt in order to render the use of said sanitarium of the greatest benefit to the greatest number, and said board of directors may exclude from the use of such sanitarium any and all persons who shall willfully violate such rules or regulations: Provided, however, that no person so afflicted shall be compelled to enter such sanitarium, or any of its branches, dispensaries, or other auxiliary institutions without his consent in writing first having been obtained, or, in case of a minor or one under a disability, the consent in writing of the parent or the parents, guardian or conservator, as the case may be. Said board of directors shall, upon request or by consent of the person afflicted, or of the parent or parents, guardian or conservator thereof, have the power to extend the benefits and privileges of such institution, under proper rules and regulations, into the homes of persons afflicted with tuberculosis, and to furnish nurses, instruction, medicines, attendance, and all other aid necessary to effect a cure, and to do all things in and about the treatment and care of persons so afflicted, which will have a tendency to effect a cure of the person or persons afflicted therewith and to stamp out tuberculosis in such county. And said board of directors may extend the privileges and use of such sanitarium and treatment to persons so afflicted, residing outside of such county, in this state, upon such terms and conditions as said board of directors may from time to time by its rules and regulations prescribe.

Boards of directors in counties without public tuberculosis sanitarium facilities may use funds secured under the provisions of this Act in providing sanitarium care of tuberculosis patients in private or public sanitariums of the State. As amended by act approved March 17, 1939.

171. Contributions—Annual reports to county board.] § 8. Said board of directors, in the name of the county, may receive from any person any contribution or donation of money or property, and shall pay over to the treasurer of such county all moneys thus received, as often as once in each month, and shall take the receipt of such treasurer therefor; and shall also at each regular meeting of the county board, report to such county board the names of all persons from whom any such contribution or donation has been received, since the date of the last report, and the amount and nature of the property so received from each, and the date when the same was received. And said board of directors shall make, on or before the second Monday in June of each year, an annual report to the county board, stating the condition of their trust on the first day of June of that year, the various sums of money received from the tuberculosis sanitarium fund and from other sources, and how such moneys have been expended and for what purpose, the number of patients, and such other statistics, information and suggestions as they may deem of general interest.

172. Board special trustees of donations, bequests, etc.] § 9. Any person desiring to make any donation, bequest or devise, of any money, personal property, or real estate, for the benefit of such sanitarium, shall have the right to vest the title to the money, personal property or real estate so donated, in the board of directors created under this Act, to be held and controlled by such board of directors, when accepted, according to the terms of the deed, gift, devise, or bequest of such property, and as to such property, the said board of directors shall be held and considered to be special trustees.

173. Physicians, nurses, etc., subject to rules of the board.] § 10. When any such sanitarium is established, the physicians, nurses, attendants, the persons sick therein, and all persons approaching or coming within the limits of the same or grounds thereof, and all furniture and other articles used or brought there, shall be subject to such rules and regulations as said board of directors may prescribe; and such rules and regulations shall extend to all branches, dispensaries, and other auxiliary institutions located within such county, and to all employees in the same, and to all employees sent, as herein provided for, to the homes of the afflicted.

174. Equal privileges for all reputable physicians.] § 11. All reputable physicians shall have equal privileges in treating patients in any county tuberculosis sanitarium.

175. Act not to be construed to amend or repeal part of former Act.] § 12. Nothing contained in this Act shall be construed to amend or repeal paragraph ninth of Section 25 of an act entitled, "An Act to amend Sections 24 and 25 of an Act entitled, 'An Act to revise the law in relation to counties,' approved and in force March 31, 1874," approved April 26, 1909, in force July 1, 1909, but said paragraph ninth shall, on the contrary, remain in full force and effect.

175a. Discontinuance of tax.] § 13. Any county which has adopted the provisions of this Act may discontinue it by a referendum initiated by a petition in the same manner provided in Section 2 for its adoption. The proposition shall be stated "For the discontinuance of the tax for the county tuberculosis sanitarium" and "against the discontinuance of the tax for the county tuberculosis sanitarium." If three-fifths of the votes cast upon the proposition are for the discontinuance, the board of directors shall proceed at once to close up the affairs of the county tuberculosis sanitarium. After the payment of all obligations the moneys in the tuberculosis sanitarium fund shall become a part of the general funds in the county treasury and the county board shall take over all property and equipment in the custody and under the control of the board of directors. The county board may sell such property or make such other disposition as is for the best interests of the county.

The terms of the board of directors shall terminate when their duties in connection with closing up the affairs of the tuberculosis sanitarium have ended. Added by act approved June 21, 1923.

175b. Issuance of bonds.] § 14. Any county having a population of less than five hundred thousand inhabitants which has voted or hereafter votes to authorize a tax for tuberculosis sanitarium purposes at a rate in addition to the maximum rate now or hereafter authorized to be levied and extended for general county purposes is authorized to issue bonds as in this Act provided in an amount not to exceed one-half of one per cent on the dollar valuation of all taxable property of such county for the purpose of constructing or improving a county tuberculosis sanitarium within the county: Provided such bonds may not be issued to an amount, including existing indebtedness, in excess of the constitutional limit of indebtedness. Added by act approved July 1, 1938.

175c. Plans—Estimate of cost—Resolution by county board.] § 15. Before any such county shall be authorized to issue bonds as in this Act provided:

(a) The Board of Directors of said tuberculosis sanitarium shall adopt plans and specifications describing the sanitarium to be constructed or improved, the type of construction of or improvement to be made on such sanitarium and shall make an estimate of the cost of such construction or improvement, and shall procure approval of such plans and specifications and estimate of cost by the State Department of Public Health; and

(b) The Board of Directors of said tuberculosis sanitarium shall transmit such plans and specifications and estimate of cost, together with the approval thereof by the State Department of Public Health, to the County Board with a request that the County Board adopt a resolution providing for the construction or improvement of such tuberculosis sanitarium and for the issuance of bonds to pay all or a part of the cost thereof. Added by act approved July 1, 1938.

175d. When maturity of bonds is later than tax is authorized—Petition for referendum.] § 16. Before any such county shall be authorized to issue bonds, as in this Act provided, having a maturity later than January first of the second calendar year following the period of years for which such additional tax for tuberculosis sanitarium purposes was voted (which January first of such year is hereafter referred to as the "maturity limitation heretofore mentioned"):

(a) The County Board shall adopt a resolution of determination to construct or improve a tuberculosis sanitarium and declare its intention to issue bonds therefor. Said resolution shall set forth the amount of bonds proposed to be issued and provide that notice of intention to issue such bonds be published at least once in a newspaper published and having a general circulation in such county if there be one, or, if there be no such newspaper, then such notice shall be posted in at least three public places in such county. The notice of intention to issue bonds as herein provided shall state the purpose for which bonds are to be issued, the date upon which the resolution of intention was adopted by the County Board, the amount of bonds to be issued and the time within which a petition may be filed requesting submission to the legal voters of such county of the proposition to issue the bonds.

(b) If, within thirty days after publication or posting of such notice, a petition is filed with the County Clerk signed by not less than three per cent of the legal voters of such county requesting that the proposition to issue said bonds as authorized by this Act be submitted to the legal voters of such county, then such county shall not be authorized to issue said bonds until the proposition has been submitted to and approved by a majority of the legal voters voting on the proposition at a regular or special election called and held for that purpose by the County Board. The number of legal voters shall be determined from the total votes cast at the last preceding election held in said county for the election of county officers.

If no petition for referendum with the requisite number of signatures is filed within the time herein provided, it shall not be necessary for the County Board to submit to the legal voters of such county the question of issuing such bonds. Added by act approved July 1, 1938.

175e. When referendum unnecessary.] § 17. It shall not be necessary for the County Board to submit to the legal voters of such county the question of issuing such bonds where the final maturity thereof is not beyond the maturity limitation heretofore mentioned in Section 16 of this Act, and said County Board shall be authorized to issue such bonds without complying with the provisions of Section 16 of this Act by adopting a resolution as provided by Section 19 of this Act. Added by act approved July 1, 1938.

175f. Submission of proposition to issue bonds—Ballot.] § 18. If, in the case of bonds the final maturity date of which is beyond said maturity limitation heretofore mentioned in Section 16, a petition for referendum with the requisite number of signatures is filed within the time as herein provided, then the County Board shall call a special election or direct that such proposition be submitted at the next regular election to be held in the county. When a special election is called the County Board shall fix the date thereof and shall direct the County Clerk to cause notice of such election to be posted in at least three public places in each voting precinct in the county at least fifteen days prior to the date of such election. Such special election shall be conducted by the duly appointed Judges and Clerks of election and shall be held at the polling places theretofore established insofar as the same may be practicable, otherwise new polling places shall be designated. If the proposition is to be submitted at a regular election, then the notice of such election shall state the bond proposition to be submitted to the voters.

The ballot for the submission of said proposition shall be in substantially the following form:

OFFICIAL BALLOT

Instruction to voters:

(Place a cross (X) in the space opposite the word indicating the way you desire to vote.)

Shall county, Illinois, issue bonds in the amount of $ for the purpose of constructing or improving a tuberculosis sanitarium of said county heretofore designed and approved by the board of directors of the tuberculosis sanitarium, as authorized by "An Act relating to county tuberculosis sanitaria," approved June 28, 1915, as amended?	YES	
	NO	

Added by act approved July 1, 1938.

175g. Amount, maturity date, form of bonds—Tax.] § 19. Before issuing any bonds as provided in this Act, the County Board shall adopt a resolution specifying the amount of bonds to be issued, the date, denominations, rate of interest and maturities, and fix all the details with respect to the issue and execution thereof, and shall levy a tax sufficient to pay both the principal of and interest upon such bonds as they mature. Such bonds issued in compliance with the provisions of Section 16 hereof, shall mature at such time or times as the County Board shall fix, but not to exceed twenty years from date thereof. Any such bonds, the final maturity of which is within such maturity limitation heretofore mentioned in said Section 16, shall mature at such times as the County Board shall fix within said maturity limitation heretofore mentioned. All of such bonds shall bear interest at not more than six per cent per annum, payable semi-annually, and shall be payable at such place as the County Board shall fix. Added by act approved July 1, 1938.

175h.—Signatures on bonds.] § 20. In case any officer whose signature appears on the bonds shall cease to be such officer before delivery of such bonds, such signature shall nevertheless be valid or sufficient for all purposes the same as if such officer had remained in office until such delivery was effected. Added by act approved July 1, 1938.

175i. Annual tax to pay bonds.] § 21. After the resolution providing for the issuance of the bonds has been adopted, it shall be the duty of the County Clerk annually to extend taxes against all the taxable property situated in said county sufficient to pay the principal of and interest on such bonds as they mature. The rate at which such taxes shall be extended shall be in addition to the maximum rate now or hereafter authorized to be levied and extended for General County Purposes, and shall be in addition to the rates extended for any and all taxes now or hereafter authorized or permitted to be levied or extended for County Purposes in excess of the maximum rate for general county purposes now or herafter permitted by law; such tax shall not be subject to any limitation as to amount or rate except the constitutional limitation of 75c per $100.00 valuation. Added by act approved July 1, 1938.

(*Ill. Rev. Sat.* 1943; Chap. 34, Sec. 164-175i.)

AN ACT validating elections in relation to county tuberculosis sanitaria. Approved May 4, 1939.

175j. Validation of certain tax-levy elections concerning tuberculosis sanitariums.] § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* In all cases where, heretofore, at any election held in any county in this State, a majority of the voters voting on a proposition to levy an annual tax for establishing and maintaining a county tuberculosis sanitarium, not to exceed one and one-half mills on the dollar assessed valuation in excess of the statutory limit of 25 cents per $100.00 valuation, for a specified year or years, or term or period of years, have voted in favor thereof, all such elections and proceedings shall be, and the same are hereby made and declared legal and valid and are hereby made and declared to be:

(a) Sufficient to authorize and empower the county board of any such county to levy a tax in addition to the maximum rate now or hereafter authorized to be levied and extended for general county purposes, not to exceed the rate specified in such proposition and for the year or years or period or term of years specified in such proposition, for the establishment and maintenance of a county tuberculosis sanitarium in said county, and

(b) Sufficient to authorize the issuance of bonds as provided by "An Act relating to county tuberculosis sanitaria," approved June 28, 1915, as amended.

(*Ill. Rev. Stat.* 1943; Chap. 34, Sec. 175j.)

Tuberculosis Sanitarium Districts

AN ACT in relation to the establishment and maintenance of tuberculosis sanitarium districts. Approved July 22, 1939.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

175.1. Tuberculosis Sanitarium districts—Incorporation.] § 1. Any two or more contiguous counties may be incorporated as a tuberculosis sanitarium district in the manner following: Any ten per cent (10%) of the legal voters residing within such counties may petition the county judge of the county having the greater or greatest number of inhabitants, as determined by the last preceding federal census, to cause

the question to be submitted to the legal voters of the proposed district, whether they will organize as a tuberculosis sanitarium district under this Act. Such petition shall contain the name of such proposed tuberculosis sanitarium district and a description of the counties to be embraced therein; provided that no county which has established a tuberculosis sanitarium under the provisions of "An Act relating to tuberculosis sanitaria," approved June 28, 1915, as amended, and no territory organized as a tuberculosis sanitarium district under the provisions of "An Act to provide for the creation and management of tuberculosis sanitarium district," approved May 21, 1937, shall be included within the territory intended to be embraced within any tuberculosis sanitarium district under this Act.

175.2. Board of commissioners—Membership—Duty to fix boundaries—Hearing.] § 2. Upon the filing of such petition in the office of the county clerk of said county it shall be the duty of said county judge to call to his assistance one circuit judge and the county judge of the other county or counties, in which such territory is situate, and said judges shall constitute a board of commissioners, and shall have power and authority to consider the boundaries of such proposed district. Four weeks' notice shall be given by said county judge of the time and place where such commissioners will meet, by publication in one or more newspapers published in each of said counties. At such meeting said county judge shall preside, and all persons in the proposed district shall have an opportunity to be heard touching the location and boundary of such proposed district; and after hearing such evidence and suggestions as may be offered, such commissioners, or a majority of them shall fix and determine the limits and boundaries of said proposed district, and for that purpose, and to that extent, may alter and amend such petition.

175.3. Election on question of establishing district.] § 3. Upon such determination, said county judge shall call an election and submit to the legal voters of said proposed district the question of the organization and establishment thereof, as determined by said commissioners, or a majority of them. Four weeks' notice of such election shall be given by said commissioners, in like manner as is provided in the preceding section, which notice shall state briefly the purpose of such election, and contain a description of the proposed district. Each legal voter residing within the proposed district shall have the right to cast a vote at such election, with the words thereon: "For the establishment and maintenance of a tuberculosis sanitarium district as provided by "An Act in relation to the establishment and maintenance of tuberculosis sanitarium districts', approved [July 22, 1939]," or "Against the establishment and maintenance of a tuberculosis sanitarium district as provided by 'An Act in relation to the establishment and maintenance of tuberculosis sanitarium districts,' approved July 22, 1939," as he may elect. The ballots so cast shall be received, canvassed and returned in the same manner and by the same officers as provided by law in the case of ballots cast for county officers: Provided, that the returns of such election shall be made to the county clerk of the county in which the petition for the organization of said district is filed, and the votes shall be canvassed by said county judge, and any two justices of the peace whom he shall call to his assistance, and the result of said election shall be entered upon the records of said county court. If a majority of the votes cast upon the question of the incorporation of the proposed district shall be in favor of the same, the inhabitants thereof shall be deemed to have accepted the provisions of this Act, and the same shall thenceforth be deemed an organized tuberculosis district under this Act, with the name stated in the petition.

175.4. Election of corporate officers.] § 4. Within thirty days after the adoption of this Act, it shall be the duty of the county judge to whom the petition for organization was addressed to call an election to elect the corporate authorities thereof, consisting of a president and six trustees, to be denominated the board of trustees of the tuberculosis sanitarium district. At the election so called, there shall be elected a president who shall serve for a term of one year and until his successor is elected and qualified, two trustees to serve for a term of one year, two trustees to serve for a term of two years, and two trustees to serve for a term of three years, and until their respective successors are elected and qualified. The trustees elected at the first election held hereunder shall determine by lot which shall serve for the respective terms of one, two and three years. At each annual election thereafter the trustees elected to succeed those whose terms expire shall hold office for a term of three years and until their successors are elected and qualified.

All elections for the president and trustees of such tuberculosis sanitarium district shall be held, as far as applicable, under the provisions of the general election

laws of this State; and it shall be the duty of state and county officers, and all election officers within such district to perform the same respective acts and duties as are now or may hereafter be prescribed with reference to the election of members of the General Assembly of this State, including the giving and posting of notices, printing and furnishing of ballots, receiving and canvassing of ballots and making returns thereof, canvassing of returns and certifying the same, and abstracts thereof, final canvass and declaring the result thereof by state officers, and the issuance of certificates of election by the Governor to persons elected as such president and trustees. The names of all candidates for president and trustees of such tuberculosis sanitarium districts shall be printed on the same ballot with candidates for other offices, if any, to be filled at such election.

175.5. Vacancies in office—Filling.] § 5. In case of vacancy in the office of trustee of any such district, it shall be the duty of the county clerk of the county in which the trustee whose office is vacant resided to notify the Governor of such vacancy, and the Governor shall thereupon issue a writ of election to the county clerks of the counties in which such district is situated, fixing a day upon which an election shall be held to fill such vacancy; provided, that in the case of a vacancy in the office of president, or in the office of a trustee occurring within one year before the expiration of the term of said office, the Governor shall fill such vacancy by appointment.

175.6 Judicial notice of districts—Oath—Organization completed when—Powers.] § 6. All courts shall take judicial notice of all tuberculosis sanitarium districts organized under this Act. Each member of the board before entering upon the duties of his office shall take the oath prescribed by the Constitution.

From the time of the election of the first board of trustees, such district shall be a body corporate and politic by the name and style determined as aforesaid, and by such name may sue and be sued, contract and be contracted with, acquire and hold real and personal estate necessary for the corporate purposes and adopt a seal and alter the same at its pleasure.

175.7. Board of trustees—Powers—Sanitarium, branches, etc.] § 7. The board of trustees shall have power to establish and maintain a tuberculosis sanitarium, and branches, dispensaries, and other auxiliary institutions connected with the same, within the limits of the tuberculosis sanitarium district, for the use and benefit of the inhabitants thereof, for the treatment and care of persons afflicted with tuberculosis. The board shall have power to acquire lands and grounds within such district for the aforesaid purposes by gift, grant, devise, purchase, lease or condemnation, and to occupy, purchase, lease or erect an appropriate building or buildings for the use of said sanitarium, branches, dispensaries and other auxiliary institutions and activities connected therewith; provided, that no such building shall be constructed until detailed plans therefor have been submitted to and approved by the Department of Public Health.

175.8. Trustees—Additional powers—Salaries and expenses.] § 8. The board of trustees shall have power to pass and enforce all necessary ordinances, rules and regulations for the management of the property and conduct of the business of such district. Such board shall have power to appoint a secretary and treasurer and such other officers and such employees as may be necessary, including suitable superintendents or matrons, or both. The president and each trustee shall each receive an annual salary of not to exceed twenty-five hundred dollars ($2,500.00) as fixed by ordinance, and shall be reimbursed for all necessary expenses incurred in the discharge of their duties under this Act. Salaries of the officers and employees shall be fixed by ordinance.

175.9. Use of sanitariums—Rules and regulations.] § 9. Every sanitarium established under this Act shall be free for the benefit of such of the inhabitants of such district as may be afflicted with tuberculosis, and they shall be entitled to occupancy, nursing, care, medicines and attendance, according to the rules and regulations prescribed by said board of trustees. Such sanitarium shall always be subject to such reasonable rules and regulations as said board may adopt in order to render the use of said sanitarium of the greatest benefit to the greatest number, and said board may exclude from the use of such sanitarium any and all persons who shall wilfully violate such rules or regulations: Provided, however, that no person so afflicted shall be compelled to enter such sanitarium, or any of its branches, dispensaries or other auxiliary institutions without his consent in writing first having been obtained, or, in case of a minor or one under a disability, the consent in writing of the parent or the parents, guardian or conservator, as the case may be. Said board of trustees shall, upon request or by consent of the person afflicted, or of the parent or parents, guardian or conser-

vator, thereof, have the power to extend the benefits and privileges of such institution, under proper rules and regulations, into the homes of persons afflicted with tuberculosis, and to furnish nurses, instruction, medicines, attendance, and all other aid necessary to effect a cure, and to do all things in and about the treatment and care of persons so afflicted, which will have a tendency to effect a cure of the person or persons afflicted therewith and to stamp out tuberculosis in such district. And said board may extend the privileges and use of such sanitarium and treatment to persons so afflicted, residing outside of such district, in this State, upon such terms and conditions as said board may from time to time by its rules and regulations prescribe.

175.10. Donations, receipt of.] § 10. Said board of trustees, in the name of the district, may receive from any person any contribution or donation of money or property, and shall pay over to the treasurer of such district all moneys thus received, as often as once in each month, and shall take the receipt of such treasurer therefor.

175.11. Donations, bequests and devises, giving of.] § 11. Any person desiring to make any donation, bequest or devise, of any money, personal property or real estate, for the benefit of such sanitarium, shall have the right to vest the title to the money, personal property or real estate so donated, in the board of trustees thereof, to be held and controlled by such board, when accepted, according to the terms of the deed, gift, devise, or bequest of such property, and as to such property, the said board of trustees shall be held and considered to be special trustees.

175.12. Rules and regulations governing sanitarium.] § 12. When any such sanitarium is established, the physicians, nurses, attendants, the persons sick therein, and all persons approaching or coming within the limits of the same or grounds thereof, and all furniture and other articles used or brought there, shall be subject to such rules and regulations as said board of trustees may prescribe; and such rules and regulations shall extend to all branches, dispensaries, and other auxiliary institutions located within such district, and to all employees in the same, and to all employees sent, as herein provided for, to the homes of the afflicted.

175.13. Physicians' privileges.] § 13. All reputable physicians shall have equal privileges in treating patients in any tuberculosis sanitarium district.

175.14. Ordinances.] § 14. All ordinances making any appropriation of moneys, shall within ten days after their passage, be published at least once in some newspaper published in such district or having a general circulation therein to be designated by the board of trustees and no such ordinance shall take effect until ten days after it is so published. All other ordinances and all orders or resolutions shall take effect from and after their passage unless otherwise provided therein. All ordinances, orders and resolutions and the date of publication thereof may be proven by the certificate of the secretary of such district under the seal of the corporation and when printed in book or pamphlet form and published by authority of such board of trustees, such book or pamphlet shall be received as evidence of the passage and publication of such ordinances, orders and resolutions as of the date mentioned in such book or pamphlet in all courts and places without further proof.

175.15. President of Board—Powers and duties.] § 15. The president of the board of trustees of any district organized hereunder, shall preside at all meetings of the board and be the executive officer of such district; he shall sign all ordinances, resolutions and other papers necessary to be signed and shall execute all contracts entered into by such district and perform such other duties as may be prescribed by ordinance. The president shall be entitled to the same right to vote as the other trustees possess.

The "Yeas" and "Nays" shall be taken upon the passage of all ordinances and all proposals to create any liability or for the expenditure or appropriation of money and in all other cases at the request of any member of the board and shall be entered on the journal of the board's proceedings, and the concurrence of a majority of all the members appointed to the board shall be necessary to the passage of any such ordinance or provision.

175.16. Taxation—Borrowing money—Bonds—Limit on indebtedness.] § 16. The board of trustees of any tuberculosis sanitarium district organized hereunder shall have power to raise money by general taxation, for any of the purposes enumerated in this Act, and power to borrow money upon the faith and credit of such district, and to

issue bonds therefor: Provided, however, such district shall not become indebted in any manner or for any purpose, to any amount including existing indebtedness in the aggregate exceeding one per centum of the assessed value of the taxable property therein, as ascertained by the last equalized assessment for State and county purposes. No such district shall incur indebtedness for any purpose other than the acquisition of land unless the proposition to issue bonds or otherwise incur such indebtedness shall have been first submitted to the legal voters of such district at a general election or at any special election called for such purpose and shall have been approved by a majority of those voting upon the proposition. Before or at the time of issuing bonds, the board of trustees shall provide by ordinance for the collection of an annual tax sufficient to pay the interest on such bonds as it falls due, and to pay such bonds as they mature and said tax to so pay the interest on said bonds as it falls due and to pay said bonds as they mature, shall not be permitted to increase the taxing power of said district as herein provided for. All bonds issued by any tuberculosis sanitarium district shall be divided into series, the first of which shall mature not later that five years after the date of issue and the last of which shall mature not later than twenty years after the date of issue.

All general taxes levied by the board of trustees of any tuberculosis sanitarium district shall be levied at the same time and in the same manner as taxes are levied for city and village purposes; provided, that the amount of taxes levied for each year shall not exceed the rate of five mills on each dollar of the assessed value of the taxable property therein, as ascertained by the last equalized assessment for State and county purposes. The certificate of levy shall be filed with the county clerk of each county in which such district is situated and each such county clerk shall extend the tax so levied on the property of such county, and the tax so extended shall be collected in the same manner as other general property taxes are collected. All moneys collected under the provisions of this Act shall be paid to the treasurer of such district.

(*Ill. Rev. Stat.* 1943; Chap. 34, Sec. 175.1-175.16.)

AN ACT to provide for the creation and management of tuberculosis sanitarium districts. Approved May 21, 1937.

Be it enacted by the People of the State of Illinois represented in the General Assembly:

177a. Organization of tuberculosis sanitarium districts—Petition—Election.] § 1. Any area of contiguous territory lying wholly within one county but entirely outside the corporate limits of any city or village which has adopted "An Act to enable cities and villages to establish and maintain public tuberculosis sanitariums," approved March 7, 1908, as amended, may be incorporated as a tuberculosis sanitarium district in the following manner, to wit:

Any one hundred legal voters residing within the limits of such proposed district may petition a county judge of the county in which such proposed district lies, to cause the question to be submitted to the legal voters of such proposed district whether or not it shall be organized as a tuberculosis sanitarium district under this Act. Such petition shall be addressed to the county judge of the county in which such proposed tuberculosis sanitarium district is situated and shall contain a definite description of the territory intended to be embraced in such district, and the name of such district. Upon the filing of such petition in the office of the clerk of the county court of the county in which such territory is situated, it shall be the duty of such county judge, to whom such petition is assigned, to fix a day and hour for the public consideration thereof, which shall not be less than fifteen days after the filing of such petition. Such county judge shall cause a notice of the time and place of such public consideration to be published three successive days in some newspaper having a general circulation in the territory proposed to be placed in such district. The date of the last publication of such notice shall not be less than five days prior to the time set for such public hearing. At the time and place fixed for such public hearing said county judge shall sit and hear any person owning property in such proposed district who desires to be heard, and if said county judge shall find that all of the provisions of this Act have been complied with, he shall cause to be entered upon the records of the county court of such county, an order fixing and defining the boundaries and the name of such proposed district in accordance with the prayer of the petition. In the event that any other petition or petitions for the organization of a tuberculosis sanitarium district or districts in the same county shall be filed under this Act before the

time fixed for the public hearing of the first petition, said county judge shall postpone the public consideration of the first petition so that the hearing of all said petitions shall be set for the same day and hour.

Should two or more petitions be filed under this Act and come on for hearing at the same time and it shall be found by said county judge that any of the territory embraced in any one of said petitions is included in or contiguous with the territory embraced in any other petition or petitions, said county judge may include all of the territory described in such petitions in one district and shall fix the name proposed in the petition first filed as the name for said district. After the entry of the order fixing and defining the boundaries and the name of such proposed district, it shall be the duty of said county judge to order to be submitted to the legal voters of such proposed district at any special or general election held therein, the question of the organization of such proposed district, and he shall give notice thereof by causing ten notices of such election to be posted in public places within such proposed district, and one notice thereof to be published at least five days prior to the date of such submission in some newspaper having a general circulation in the proposed district. Said notices shall contain a definite description of the territory intended to be embraced in such district, and the name of such district.

177b. Ballot—Result of election.] § 2. The ballots to be used at such election shall be substantially in the following form:

"Shall there be organized a tuberculosis sanitarium district in accordance with the order of the judge of the county court of ..... county, under the date of the....day of..... 19.. to be known as (insert here the name of the proposed district as entered in the order of the judge of the county court) and described as follows: (Insert description of proposed district as entered in the order of the judge of the county court.)"	Yes	
	No	

The returns of such election in each of the proposed districts shall be made to the clerk of the county court of such county and shall be canvassed by him and he shall cause a statement of the result of such election in each district to be entered upon the records of the county court of such county, and if a majority of the votes cast in any district upon such question is found to be in favor of the organization of such tuberculosis sanitarium district, such tuberculosis sanitarium district shall thenceforth be deemed an organized tuberculosis sanitarium district under this Act.

177c. Board of directors—District to be body corporate.] § 3. All courts shall take judicial notice of all tuberculosis sanitarium districts organized under this Act. The affairs of such district shall be managed by a board of three directors, appointed by the county judge of the county in which such district is situated. At least one member of the board of directors shall be a licensed physician, and all shall be chosen with reference to their special fitness for such office. The first appointments shall be made within ninety days and not sooner than sixty days after such district has been organized as provided herein. Each member of such board shall be a legal voter in such district. At the time of the making of the first appointments, one director shall be appointed for a term of one year, one for a term of two years, and one for a term of three years and until their successors are appointed and qualified and at the expiration of the term of any member, his successor shall be appointed in like manner for a term of three years and until his successor is appointed and qualified; provided, that no more than two members of such board shall be of the same political party. Each member of the board before entering upon the duties of his office shall take the oath prescribed by the Constitution.

From the time of the appointment of the first board of directors, such district shall be a body corporate and politic by the name and style determined as aforesaid, and by such name may sue and be sued, contract and be contracted with, acquire and hold real and personal estate necessary for the corporate purposes and adopt a seal and alter the same at its pleasure.

177d. Vacancies.] § 4. Whenever any member of the board of directors shall, from any cause, cease to be a legal voter of the district, his office shall thereupon become vacant, and a successor shall be appointed for the remainder of the term as other members of the board of directors are appointed.

177e. President, secretary of board—Establishment and maintenance of tuberculosis sanitarium.] § 5. The directors shall, immediately after appointment, meet and organize, by the election of one of their number as president and one as secretary. Said board shall have power to establish and maintain a tuberculosis sanitarium, and branches, dispensaries and other auxiliary institutions connected with the same, within the limits of the tuberculosis sanitarium district, for the use and benefit of the inhabitants thereof, for the treatment and care of persons afflicted with tuberculosis. The board shall have power to acquire lands and grounds within such district for the aforesaid purposes by gift, grant, devise, purchase, lease or condemnation, and to occupy, purchase, lease or erect an appropriate building or buildings for the use of said sanitarium, branches, dispensaries and other auxiliary institutions and activities connected therewith; provided, that no such building shall be constructed until detailed plans therefor have been submitted to and approved by the Department of Public Health.

177f. Powers of board—Employees—Salaries.] § 6. The board of directors shall be the corporate authority of such tuberculosis sanitarium district and shall have power to pass and enforce all necessary ordinances, rules and regulations for the management of the property and conduct of the business of such district. Such board shall have power to appoint a secretary and treasurer and such other officers and such employees as may be necessary, including suitable superintendents or matrons or both. Members of the board of directors shall receive no salary for their services. Salaries of the officers and employees shall be fixed by ordinance.

177g. Free service to residents of district—Consent of afflicted persons—Home treatment—Out-of-district patients—Treatment in other institutions.] § 7. Every sanitarium established under this Act shall be free for the benefit of such of the inhabitants of such district as may be afflicted with tuberculosis, and they shall be entitled to occupancy, nursing, care, medicines and attendance, according to the rules and regulations prescribed by said board of directors. Such sanitarium shall always be subject to such reasonable rules and regulations as said board of directors may adopt in order to render the use of said sanitarium of the greatest benefit to the greatest number, and said board of dirctors may exclude from the use of such sanitarium any and all persons who shall wilfully violate such rules and regulations: Provided, however, that no persons so afflicted shall be compelled to enter such sanitarium, or any of its branches, dispensaries, or other auxiliary institutions without his consent in writing, first having been obtained, or, in case of a minor or one under a disability, the consent in writing of the parent or the parents, guardian or conservator, as the case may be. Said board of directors shall, upon request or by consent of the person afflicted, or of the parent or parents, guardian or conservator thereof, have the power to extend the benefits and privileges of such institution, under proper rules and regulations, into the homes of persons afflicted with tuberculosis, and to furnish nurses, instruction, medicines, attendance, and all other aid necessary to effect a cure, and to do all things in and about the treatment and care of persons so afflicted, which will have a tendency to effect a cure of the person or persons afflicted therewith and to stamp out tuberculosis in such district. And said board of directors may extend the privileges and use of such sanitarium and treatment to persons so afflicted, residing outside of such district, in this State, upon such terms and conditions as said board of directors may from time to time by its rules and regulations prescribe.

Boards of directors in districts without public tuberculosis sanitarium facilities may use funds secured under the provisions of this Act in providing sanitarium care of tuberculosis patients in private or public sanitariums or hospitals of the State.

177h. Donations—Annual report.] § 8. Said board of directors, in the name of the district, may receive from any person any contribution or donation of money or property, and shall pay over to the treasurer of such district all moneys thus received as often as once in each month, and shall take the receipt of such treasurer therefor; and shall also at each regular meeting of the county board, report to such county board the names of all persons from whom any such contribution or donation has been received, since the date of the last report, and the amount and nature of the property so received from each, and the date when the same was received. And said board of directors shall make, on or before the second Monday in June of each year, an annual report to the county board, stating the condition of their trust on the first day of June of that year, the various sums of money received from all sources, and how such moneys have been expended and for what purpose, the number of patients, and such other statistics, information and suggestions as they may deem of general interest.

177i. Use of donation.] § 9. Any person desiring to make any donation, bequest or devise, of any money, personal property, or real estate, for the benefit of such sanitarium, shall have the right to vest the title to the money, personal property or real estate so donated, in the board of directors created under this Act, to be held and controlled by such board of directors, when accepted, according to the terms of the deed, gift, devise, or bequest of such property, and as to such property, the said board of directors shall be held and considered to be special trustees.

177j. Rules and regulations.] § 10. When any such sanitarium is established the physicians, nurses, attendants, the persons sick therein, and all persons approaching or coming within the limits of the same or grounds thereof, and all furniture and other articles used or brought there, shall be subject to such rules and regulations as said board of directors may prescribe; and such rules and regulations shall extend to all branches, dispensaries, and other auxiliary institutions located within such district, and to all employees in the same, as herein provided for, to the homes of the afflicted.

177k. Physicians to have equal privileges.] § 11. All reputable physicians shall have equal privileges in treating patients in any tuberculosis sanitarium district.

177l. Ordinances, orders and resolutions.] § 12. All ordinances making any appropriation of moneys, shall within ten days after their passage, be published at least once in some newspaper published in such district or having a general circulation therein to be designated by the board of directors and no such ordinance shall take effect until ten days after it is so published. All other ordinances and all orders or resolutions shall take effect from and after their passage unless otherwise provided therein. All ordinances, orders and resolutions and the date of publication thereof may be proven by the certificate of the secretary of such district under the seal of the corporation and when printed in book or pamphlet form and published by authority of such board of directors, such book or pamphlet shall be received as evidence of the passage and publication of such ordinances, orders and resolutions as of the date mentioned in such book or pamphlet in all courts and places without further proof.

177m. Duties of president—Voting on ordinances and expenditures.] § 13. The president of the board of directors of any district organized hereunder, shall preside at all meetings of the board and be the executive officer of such district; he shall sign all ordinances, resolutions and other papers necessary to be signed and shall execute all contracts entered into by such districts and perform such other duties as may be prescribed by ordinance. The president shall be entitled to the same right to vote as the other directors possess.

The "Yeas" and "Nays" shall be taken upon the passage of all ordinances and all proposals to create any liability or for the expenditure or appropriation of money and in all other cases at the request of any member of the board and shall be entered on the journal of the board's proceedings, and the concurrence of a majority of all the members appointed to the board shall be necessary to the passage of any such ordinance or provision.

177n. General taxation—Issuance of bonds.] § 14. The board of directors of any tuberculosis sanitarium district organized hereunder shall have power to raise money by general taxation, for any of the purposes enumerated in this Act, and power to borrow money upon the faith and credit of such district, and to issue bonds therefor: Provided, however, such district shall not become indebted in any manner or for any purpose, to any amount including existing indebtedness in the aggregate exceeding one per centum of the assessed value of the taxable property therein, as ascertained by the last equalized assessment for State and county purposes. No such district shall incur indebtedness for any purpose other than the acquisition of land unless the proposition to issue bonds or otherwise incur such indebtedness shall have been first submitted to the legal voters of such district at a general election or at any special election called for such purpose and shall have been approved by a majority of those voting upon the proposition. Before or at the time of issuing bonds, the board of directors shall provide by ordinance for the collection of an annual tax sufficient to pay the interest on such bonds as it falls due, and to pay such bonds as they mature, shall not be permitted to increase the taxing power of said district as herein provided for. All bonds issued by any tuberculosis sanitarium district shall be divided into series, the first of which shall mature not later than five years after the date of issue and the last of which shall mature not later than twenty years after the date of issue.

All general taxes levied by the board of directors of any tuberculosis sanitarium district shall be levied at the same time and in the same manner as taxes are levied

for city and village purposes; provided, that the amount of taxes levied for one year shall not exceed the rate of one and one-half (1½) mills on each dollar of the assessed value of the taxable property therein, as ascertained by the last equalized assessment for State and county purposes. All moneys collected under the provisions of this Act shall be paid to the treasurer of such district.

(*Ill. Rev. Stat.* 1943; Chap. 23, Sec. 177a-177n.)

Municipal Tuberculosis Sanitariums

AN ACT concerning cities, villages, and incorporated towns, and to repeal certain Acts herein named. Act approved August 15, 1941.

(Sections 1-1—71-4 omitted.)

72—1. § 72—1. **May establish public tuberculosis sanitarium—Tax levy.]** The corporate authorities of every city and village have the power, in the manner provided in this article, to establish and maintain a public sanitarium and branches, dispensaries, and other auxiliary institutions connected therewith within or without the corporate limits of the city or village, for the use and benefit of the inhabitants of the city or village for the treatment and care of persons afflicted with tuberculosis. When a public sanitarium has been established by a vote of the people in the manner provided in this article or in the manner provided by law at the time of its establishment, the corporate authorities of such a city or village have the power to levy a tax annually thereafter, without submitting the question to a vote of the people, not to exceed one-half of one mill on the dollar on all taxable property in such a city or village with a population of less than 75,000, and not to exceed one mill on the dollar on all taxable property in such a city or village with a population of 75,000 or more but not exceeding 200,000, and not to exceed a rate that will produce, when extended, the sum of $3,000,000 on all taxable property in such a city or village with a population of more than 200,000.

All taxes specified in this section or in sections 72-116 to 72-21, inclusive, shall be levied and collected in like manner with the general taxes of the city or village and shall be known as the "Tuberculosis Sanitarium Fund." These taxes shall be in addition to all other taxes which the city or village is now or hereafter may be authorized to levy upon the aggregate valuation of all property within the city or village, and shall be in addition to the amount authorized to be levied for general purposes as provided by section 16-1.

The corporate authorities of every city or village which levies an annual tax for the establishment and maintenance of a public tuberculosis sanitarium shall appropriate from the "Tuberculosis Sanitarium Fund" and include in the annual appropriation ordinance such sums of money as may be deemed necessary to defray all necessary expenses and liabilities of the tuberculosis sanitarium.

72—2. § 72—2. **Petition—Election—Tax.]** Whenever one hundred electors of a city or village present a petition to the corporate authorities of the city or village, asking that an annual tax be levied for the establishment and maintenance of a public tuberculosis sanitarium in the city or village, the corporate authorities shall instruct the municipal clerk to give notice in the next legal notice of the general municipal election in the city or village, and the municipal clerk shall so give notice that at that election every elector may vote on the proposition whether an annual tax shall be levied in the city or village for a public tuberculosis sanitarium. The ballots shall be in substantially the following form:

Shall an annual tax be levied in the city (or village) of.....for a tuberculosis sanitarium?	Yes	
	No	

If the majority of all votes cast upon the proposition is in favor of the tax levy, the corporate authorities thereafter shall levy annually a tax at not to exceed the respective rates and amounts prescribed in section 71—1, unless the tax levy is increased as provided in sections 72—16 to 72—21 inclusive.

72—3. § 72—3. **Appointment of directors.]** When the corporate authorities of a city or village have decided to establish and maintain a public tuberculosis san-

itarium under this article, the mayor or president, with the approval of the corporate authorities, shall appoint a board of three directors, one of whom, in municipalities having a board of health or a public health board, shall be from that board, and the other two from the citizens at large. The directors shall be chosen with reference to their special fitness for that office.

72—4. § 72—4. **Term of office—Removal.]** The directors shall hold office one for one year, one for two years, and one for three years from the first day of July following their appointment, and at their first regular meeting shall cast lots for the respective terms. Annually thereafter the mayor or president before the first day of July each year, shall appoint, as before, one director to take the place of the retiring director. This appointee shall hold office for three years and until his successor is appointed. The mayor or president, with the consent of the corporate authorities, may remove any director for misconduct or neglect of duty.

72—5. § 72—5. **Vacancies—No interest in purchases.]** Vacancies in the board of directors, however occasioned, shall be filled for the unexpired term in like manner as original appointments. No director shall receive compensation for serving as a director. No director shall be interested, either directly or indirectly, in the purchase or sale of any supplies for the sanitarium.

72—6. § 72—6. **Organization—Powers and duties of directors—Appointees under civil service.]** Immediately after their appointment the directors shall meet and organize by the election of one of their number as president and one as secretary and by the election of such other officers as they may deem necessary. They shall adopt such by-laws, rules, and regulations for their own guidance and for the government of the sanitarium and the branches, dispensaries, and auxiliary institutions and activities connected therewith as may be expedient, not inconsistent with this article and the ordinances of the city or village.

They have the exclusive control of the expenditure of all money collected to the credit of the "Tuberculosis Sanitarium Fund." All money received for the sanitarium shall be deposited in the municipal treasury to the credit of the "Tuberculosis Sanitarium Fund," and shall not be used for any other purpose. It shall be drawn upon by the proper municipal officer upon the properly authenticated vouchers of the sanitarium board.

The board has the power to purchase or lease ground within or without the corporate limits of the city or village, and to purchase, lease, or erect appropriate buildings for the use of the sanitarium, branches, dispensaries, and other auxiliary institutions and activities connected therewith with the approval of the corporate authorities. It has the exclusive control of the construction of any sanitarium building or other buildings appropriate for its branches, dispensaries, and other auxiliary institutions and activities in connection with the institution, and of the supervision, care, and custody of the grounds, rooms, or buildings constructed, leased, or purchased for that purpose. The board has the power to appoint suitable superintendents or matrons or both and all necessary assistants and other employees, to fix their compensation, and to remove such appointees. The board in general shall carry out the spirit and intent of this article in establishing and maintaining a public sanitarium. At least one of the directors shall visit and examine the sanitarium at least twice each month and make monthly reports of its condition to the corporate authorities.

In any city which has adopted or hereafter adopts "An Act to regulate the civil service of cities," approved March 20, 1895, as amended, all appointments with the exception of superintendents and the removal of matrons and other assistants shall be made pursuant to the provisions of that civil service law and not otherwise. But where in any city persons are occupying any of these positions pursuant to appointment and certification thereon by the civil service commission of the city made after examination, those persons shall hold their positions as though duly appointed after examination under the provisions of the civil service law. All other matrons and assistants not so appointed after examination shall have the status of temporary appointees under the civil service law. All officers and employees of such a public tuberculosis sanitarium shall be deemed officers or employees, as the case may be, of the city or village which established the sanitarium.

72—7. § 72—7. **Sanitarium to be free to inhabitants—Regulations—Extension of benefits.]** Every sanitarium established under this article shall be free for the benefit of the inhabitants of the city or village which established it, if they are afflicted with tuberculosis. They shall be entitled to occupancy, nursing, care, medicines, and attendance according to the rules and regulations prescribed by the board of directors of

the sanitarium. The sanitarium always shall be subject to such reasonable rules and regulations as the board may adopt in order to render the use of the sanitarium of the greatest benefit to the greatest number, and the board may exclude from the use of the sanitarium those inhabitants and other persons who wilfully violate these rules and regulations. No person so afflicted may enter the sanitarium or any of its branches, dispensaries, or other auxiliary institutions without first giving his written consent, or in case of a minor or one under a disability, the written consent of the parents, guardian, or conservator, as the case may be.

The board upon request or by consent of persons afflicted, or the legal guardians, conservators, or parents thereof, has the power to extend the benefits and privileges of the institution, under proper rules and regulations, into the homes of the persons afflicted with tuberculosis, to furnish nurses, instruction, medicines, attendance, and all other aid necessary to effect a cure, and to do all things in and about the treatment and care of persons so afflicted which will have a tendency to effect a cure of the persons afflicted and to stamp out tuberculosis in that city or village.

The board may extend the privileges and use of the sanitarium and treatment to afflicted persons who reside outside of the city or village but in this State, upon such terms and conditions as the board may prescribe by its rules and regulations.

72—8. § 72—8. **Rules and regulations.**] When such a sanitarium is established, the physicians, nurses, attendants, the persons sick therein, and all persons approaching or coming within the limits of the sanitarium or the grounds thereof, and all furniture and other articles used or brought there, shall be subject to such rules and regulations as the board of directors may prescribe. These rules and regulations shall extend to all branches, dispensaries, and other auxiliary institutions located within or without the corporate limits of the city or village and to all employees therein and to all employees sent to the homes of the afflicted as provided for in section 72—7.

72—9. § 72—9. **Donations—Monthly reports.**] The board of directors, in the name of the city or village, may receive from any person any donation of money or property. The board shall pay over to the municipal treasurer all money thus received as often as once in each month and shall take the treasurer's receipt therefor. At the next regular meeting of the corporate authorities the board shall report to the corporate authorities the names of the persons from whom any donation has been received and the amount and nature of the money or property so received from each and the date when received.

Any person desiring to make any donation, bequest, or devise of any money or property for the benefit of such a sanitarium may vest the title to the money or property in the board of directors created under this article. That board shall hold and control this money or property, when accepted, according to the terms of the donation, devise, or bequest and shall be a trustee of the money and property.

72—10. § 72—10. **Annual reports.**] On or before the second Monday in June of each year, the board of directors shall make an annual report to the corporate authorities stating (1) the condition of their trust on the first day of June of that year, (2) the various sums of money received from the "Tuberculosis Sanitarium Fund" and from other sources and how that money has been expended and for what purposes, (3) the number of patients, and (4) such other statistics, information, and suggestions as they may deem of general interest.

72—11. § 72—11. **Equal privilege to physicians.**] All reputable physicians shall have equal privileges in treating patients in such a sanitarium.

72—12. § 72—12. **Discontinuance of sanitarium.**] Whenever the board of directors of any public tuberculosis sanitarium established and maintained under this article recommends, in writing, to the corporate authorities, the discontinuance of any public tuberculosis sanitarium, stating in its report the reasons therefor, the corporate authorities may pass an ordinance for the discontinuance of that public tuberculosis sanitarium.

72—13. § 72—13. **Election to determine discontinuance.**] Whenever such an ordinance is passed for the discontinuance of such a sanitarium, the question whether the sanitarium shall be discontinued shall be submitted to the electors of the city or village at the next succeeding general or special election, or at any special election called for that purpose. The ordinance shall become effective if the discontinuance is approved by a majority of the electors voting upon the question.

72—14. § 72—14. **Form of ballot.**] The ordinance for discontinuance shall be printed in full on a ballot, which shall be separate and distinct from the ballot for candidates for office. In addition, the ballot to be used in voting upon the question of discontinuance shall have substantially the following form:

Shall the public tuberculosis sanitarium of the city (or village) of..... be discontinued as provided in ordinance number.....?	Yes	
	No	

72—15. § 72—15. **Transfer of funds on discontinuance.**] Whenever an ordinance for discontinuance is made effective by a vote, as provided in section 72—13, the corporate authorities of the city or village, after discharging all financial obligations of the tuberculosis sanitarium, by an appropriate ordinance may transfer any money then in the "Tuberculosis Sanitarium Fund" from that fund into lawful appropriations of the city or village.

72—16. § 72—16. **Increased tax levy in places under 75,000.**] Where a tuberculosis sanitarium, established under the provisions of this article is being maintained in any city or village with a population of less than 75,000, the tax levy for the support of that sanitarium may be increased to a sum not to exceed two-thirds of one mill on the dollar, and when so increased shall be levied and collected as hereinbefore provided.

72—17. § 72—17. **Increased tax levy in places from 75,000 to 200,000.**] Where a tuberculosis sanitarium, established under the provisions of this article, is being maintained in any city or village with a population of not less than 75,000 and not to exceed 200,000, the tax levy for the support of that sanitarium may be increased to a sum not to exceed one and one-half mills on the dollar as provided in sections 72—18 to 72—21, inclusive and when so increased shall be levied and collected as hereinbefore provided.

72—18. § 72—18. **Board to determine necessity of increase.**] The board of directors of any tuberculosis sanitarium so established and maintained shall determine the necessity of such an increased tax levy. When an increased tax levy is deemed necessary the board shall recommend in writing to the corporate authorities the necessity of such an increased tax levy and the amount of the tax desired to be levied.

72—19. § 72—19. **Ordinance for levy.**] Whenever the board of directors of any sanitarium so established and maintained recommends in writing an increased tax levy to the corporate authorities, the corporate authorities shall pass an ordinance for the levy of the increased tax so recommended.

72—20. § 72—20. **Election for approval of increase.**] Whenever any ordinance is passed to increase the tax levy for any sanitarium so established and maintained, the question whether the tax levy shall be so increased shall be submitted to the electors of the city or village at the next succeeding general or special election, or at any special election called for that purpose. The ordinance shall become effective if the increase is approved by a majority of the electors voting upon the question.

72—21. § 72—21. **Form of ballot.**] The ordinance for an increase in the tax levy shall be printed in full on the ballot, which shall be separate and distinct from the ballot for candidates for office. In addition, the ballot to be used in voting upon the question of the increase shall have substantially the following form:

Shall the tax levy for maintaining the public tuberculosis sanitarium of the city (or village) of.....be increased to..... mills on the dollar as provided in ordinance number.....?	Yes	
	No	

(*Ill. Rev. Stat.* 1943; Chap. 24, Sec. 71—1—72—21.)

The following statute gives counties and cities the authority to establish treatment facilities for persons with venereal diseases, and requires judges or justices of the peace to refer to such facilities persons coming before them who are suspected venereal disease cases. Any such treatment facility is of interest to those concerned with the prevention of handicaps in children.

Treatment of Venereal Diseases

AN ACT to enable counties or cities to segregate and treat persons suffering from certain communicable diseases. Approved June 28, 1919.

389. County or city authorized to segregate and treat diseased persons.] § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That any county or city may by ordinance or order provide for the segregation and treatment of persons suffering from communicable venereal diseases.

390. Hospitals.] § 2. Such counties or cities may provide for the procurement and maintenance of hospitals, sanataria or clinics or for the segregation or treatment in hospitals, sanitaria or clinics already established and pay the cost and expenses thereof from the public funds of such county or city.

391. Who to admit.] § 3. Any person suffering from any communicable venereal disease may apply to the county or city clerk, the clerk of any County or City Court or to any peace officer for admission to treatment in such county or city hospital, sanitarium or clinic and it shall be the duty of such officer to refer such applicants to the director or person in charge of such institution to treat such applicant as the case may require.

392. Persons charged with crime to be treated.] § 4. When it appears to any judge or justice of the peace from the evidence or otherwise that any person coming before him on any criminal charge may be suffering from any communicable venereal disease, it shall be the duty of such judge or justice of the peace to refer such person to the director of such hospital, sanitarium or clinic, or to such other officer as shall be selected or appointed, for the purpose of examining the accused person, and if such person be found to be suffering from any communicable venereal disease, he or she may by order of the court be sent for treatment to a hospital, sanitarium or clinic if any be available and if necessary to be segregated for such term as the court may impose at such hospital, sanitarium or clinic.

(*Ill Rev. Stat.* 1943; Chap. 23, Sec. 389-392.)

Trachoma control is being stressed in southern Illinois as a preventive measure against blindness. While no special enabling legislation has been passed, the Illinois General Assembly has since 1935 appropriated funds to be expended under the direction of the Illinois Eye and Ear Infirmary for the control of trachoma. These clinics are held at Jonesboro, Vienna, Herrin, Eldorado, and Shawneetown in southern Illinois. In June, 1934, the Illinois Society for the Prevention of Blindness contributed $15,000 in addition to the $15,000 made available by Governor Horner from his contingent fund for the control of communicable diseases, in order to establish out-patient clinics for the treatment of trachoma among the indigent of southern Illinois. Additional assistance in this venture was given by the State Departments of Public Welfare and Public Health and by the Work Projects Administration which, beginning in the fall of 1935, furnished janitorial, laundry, and nurse aid personnel. The Illinois Emergency Relief Commission also assisted during the first months of the program by furnishing nurses on a ninety-day basis.

Trachoma Clinics

The especial importance of this service arises from the fact that it was found that 10 per cent of the untreated cases of trachoma in southern Illinois caused "industrial blindness," thus costing the State over $100,000 per year in blind pensions. Early discovery and adequate treatment can entirely elim-

inate blindness caused by the disease, so that untold amounts of money will be saved the State by curing trachoma before blindness occurs.

For the fiscal biennium July, 1943-June, 1945, the Sixty-third General Assembly appropriated $76,140, and the Illinois Society for the Prevention of Blindness has budgeted $5,000 for the support of the clinics.

MENTALLY HANDICAPPED CHILDREN

The laws quoted immediately below were enacted in order to provide protection for feeble-minded and insane persons, to provide societal control of the care for such persons, and to establish procedures for their care, detention, and commitment.

In counties with a population of 500,000 or more (Cook), jurisdiction under these acts is vested in the Bureau of Public Welfare.

Care and Detention of Feeble-minded

AN ACT to better provide for the care and detention of feeble-minded persons. Approved June 24, 1915.

346. Definition.] § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* The words "feeble-minded person" in this Act shall be construed to mean any person afflicted with mental defectiveness from birth or from an early age, so pronounced that he is incapable of managing himself and his affairs, or of being taught to do so, and requires supervision, control and care for his own welfare, or for the welfare of others, or for the welfare of the community, who is not classifiable as an "insane person" within the meaning of "An act to revise the law in relation to the commitment and detention of lunatics, and to provide for the appointment and removal of conservators, and to repeal certain acts therein named," approved June 21, 1893, in force July 1, 1893.

347. Commitment of feeble-minded.] § 2. From and after the taking effect of this Act, no feeble-minded person shall be sent to any public institution for the feeble-minded except as hereinafter provided.

348. Petition—Endorsements—Against whom process shall issue.] § 3. When any person residing in this State shall be supposed to be feeble-minded, and by reason of such mental condition of feeble-mindedness, and of social conditions, such as want of proper supervision, control, care and support, or other causes, it is unsafe and dangerous to the welfare of the community for him to be at large without supervision, control and care, any relative, guardian or conservator, or any reputable citizen of the State in which such supposed feeble-minded person resides or is found may, by leave of court first had and obtained, file with the clerk of either the Circuit Court, or of the County Court of the county in which such supposed feeble-minded person resides or is found, or with the clerk of a City Court, including the Municipal Court of Chicago, when the supposed feeble-minded person resides or is found in the city, a petition in writing, setting forth that the person therein named is feeble-minded, the fact and circumstances of the social conditions, such as want of proper supervision, control, care and support, or other causes, making it unsafe or dangerous to the welfare of the community for such person to be at large without supervision, control or care; also the name and residence, or that such name or residence is unknown to the petitioner, of some person, if any there be, actually supervising, caring for or supporting such person, and of at least one person, if any there be, legally chargeable with such supervision, care or support, and also the names and residences or that same are unknown of the parents or guardians.

The petition shall also allege whether or not such person has been examined by a qualified physician having personal knowledge of the condition of such alleged feeble-minded person. There shall be endorsed on such petition the names and residences of witnesses known to petitioner by whom the truth of the allegations of the petition may be proved, as well as the name and residence of a qualified physician, if any is known to the petitioner, having personal knowledge of the case. All persons named in such petition shall be made defendants by name and shall be notified of such proceedings by summons, if residents of this State, in the same manner as is now or may hereafter be required by law in proceedings in chancery in this State, except only as herein otherwise provided. All persons whose names are stated in the

petition to be unknown to the petitioner shall be deemed and taken as defendants by the name and designation of "all whom it may concern." The petition shall be verified by affidavit, which shall be sufficient if it states that it is based upon information and belief. Process shall be issued against all persons made parties by the designation of "all whom it may concern" by such description and notice given by publication as required in this Act, shall be sufficient to authorize the court to hear and determine the suit as though the parties had been sued by their proper names. As amended by act approved June 28, 1919.

349. Summons—Publication—Default.] § 4. The summons shall require all defendants to personally appear at the time and place stated therein, and to bring into court the alleged feeble-minded person. No written answer shall be required to the petition, but the cause shall stand for trial upon the petition on the return day of the summons. The summons shall be made returnable at any time within twenty days after the date thereof, and may be served the same as summons in chancery is served by any officer authorized by law to serve processes of the court issuing such summons. No service of process shall be necessary upon any of the defendants named, if they appear or are brought before the court personally without service of summons.

Whenever it shall appear from the petition or from affidavit filed in the cause that any named defendant other than the alleged feeble-minded person, resides or hath gone out of the State, or on due inquiry cannot be found, or is concealed within the State, or that his place of residence is unknown, so that process cannot be served upon him, and whenever any person is made a defendant under the name and designation of "all whom it may concern," the clerk of the court shall cause publication to be made once in some newspaper of general circulation published in his county, and if there be none published in his county, then in a newspaper of general circulation published in the nearest place to his county in this State, which publication shall be substantially as follows:

(Give names of such defendants and) To all whom it may concern (if there be any defendant under such designation):

Take Notice—That on the.....day of.....A. D. .....
a petition was filed by.....in the court of.....
to have a certain person named.....declared feeble-minded and to have the court provide for the care and the detention of such person.

Now, unless you appear within twenty days after the date of this notice and resist the granting of the prayer of such petition, the petition will be taken for confessed and a decree entered.

.....
Clerk

Dated.....

and the clerk shall also within ten days after the publication of such notice send a copy thereof by mail, addressed to such defendants whose place of residence is stated in the petition and who cannot be served with summons. Notice given by such publication shall be as effectual for every purpose as if such person or persons were duly served with summons personally. The certificate of the clerk that he has sent such notice pursuant to this section, shall be conclusive evidence thereof. Every defendant who shall be duly summoned shall be held to appear and answer either in writing or orally in open court, on the return day of the summons, and if the summons be served less than one day prior to the return day thereof, then on the following day. Every defendant who shall be notified by publication, as herein provided, shall be held to appear and answer, either in writing or orally within twenty days after the date of the publication notice. The answer shall have no greater weight as evidence than the petition.

In default of an answer at the time herein specified or at such further time as by order of court may be granted to the defendant, the petition may be taken as confessed against all defendants, except the alleged feeble-minded persons.

350. Warrant—Temporary detention.] § 5. Upon the filing of the petition, or upon motion at any time thereafter, if it shall be made to appear to the court by evidence given under oath that it is for the best interest of the alleged feeble-minded person and the community that such person be at once taken into custody, or that services of summons will be ineffectual to secure the presence of such person, a warrant may issue on the order of the court, directing that such person be taken into custody and brought before the court forthwith or at such time and place the judge may appoint, and pending the hearing of the petition, the court may make any order for the detention of such feeble-minded person, or the placing of such feeble-minded

person, under temporary guardianship of some suitable person, on such person entering into a recognizance for his appearance, as the court shall deem proper. But no such alleged feeble-minded person shall, during the pendency of the hearing of the petition, be detained in any place provided for the detention of persons charged with or convicted of any criminal or quasi criminal offense.

351. Continuation—Examination by psychologists—Interrogatories.] § 6. At any time after the filing of the petition and pending the final disposition of the case, the court may continue the hearing from time to time, and may order such alleged feeble-minded person to submit to the examination of some qualified physician or psychologist, and the court may also require by rule or order that the petitioner answer under oath such interrogatories as may be propounded, in a form to be prescribed by the Department of Public Welfare of the State of Illinois. As amended by act approved June 30, 1933.

352. Hearing by commission—Evidence—Report and recommendation.] § 7. The hearing on the petition shall be by the court and a commission to be appointed by the court of two qualified physicians or one qualified physician and one qualified psychologist, residents of the county, to be selected by the judge on account of their known competency, and integrity, and evidence shall be heard and proceedings had as in any other civil proceedings.

Evidence shall also be heard and inquiry made into the social conditions, such as want of proper supervision, control, care or support, and other causes making it unsafe or dangerous to the welfare of the community for such person to be at large, without supervision, control and care. The commission shall also make a personal examination touching the mental condition of the alleged feeble-minded person. Upon the conclusion of the hearing, inquiry and examination, the commission shall file with the clerk of the court a report in writing, showing the result of their examination of the mental condition and social conditions aforesaid, setting forth their conclusions and recommendations, and shall also file with such report their sworn answers to such interrogatories as may be propounded in a form to be prescribed by the Department of Public Welfare. Such answers may be based upon their best knowledge and belief. As amended by act approved June 30, 1933.

353. Setting aside or overruling report—Additional evidence.] § 8. The report shall have the same effect as reports of masters in chancery, and shall be subject to be set aside or overruled by the court the same as reports of masters in chancery: Provided, however, that there shall be no need of making objections and taking exceptions to same, and the court shall have the power to dismiss the proceedings, order a new hearing by the same or a new commission, or make such finding of fact in lieu of the findings in such report as may be justified by the evidence heard, and on the review by the court of the findings and recommendations of the commission, the court may hear such further evidence as it thinks fit.

354. Decree—Appointment of guardian.] § 9. If the court shall find such alleged feeble-minded person not to be feeble-minded as defined in this Act, he shall order the petition dismissed and the person discharged. If the court shall find such alleged feeble-minded person to be feeble-minded, and subject to be dealt with under this Act, having due regard to all the circumstances appearing on the hearing, the guiding and controlling thought of the court throughout the proceedings to be the welfare of the feeble-minded person and the welfare of the community, it shall enter a decree, appointing a suitable person to be the guardian of the person of such feeble-minded person, or directing that such feeble-minded person be sent to a private institution qualified and licensed under the laws of the State to receive such person whose managers are willing to receive him, or may commit him to the Department of Public Welfare for care, custody, and treatment, and such decree so entered shall stand and continue binding upon all persons whom it may concern until rescinded or otherwise regularly superseded or set aside.

Provided, however, that any guardian appointed under this Act shall be subordinate to any guardian or conservator previously or subsequently appointed, pursuant to "An Act to revise the law in relation to incompetents, idiots, lunatics, drunkards and spendthrifts", approved March 26, 1874, and in force July 1, 1874, or "An Act in regard to guardians and awards" approved April 10, 1872, in force July 1, 1872. As amended by act approved June 30, 1933.

355. Powers of guardian.] § 10. An order that the feeble-minded person be placed under guardianship shall confer on the person named in the order as guardian

such powers, subject to the regulations of the Department of Public Welfare, as would have been exercisable if he had been the father of the feeble-minded and the feeble-minded person had been under the age of fourteen. As amended by act approved June 3, 1943.

356. Removal, etc., of guardian—Commitment of feeble-minded person.] § 11. Where an order has been made that a feeble-minded person be placed under guardianship, the guardian may be removed by the court that appointed him, on the application of the feeble-minded person, or of any relative or friend of the feeble-minded person, or of any reputable citizen or of the Department of Public Welfare; and when the guardian dies, resigns or is removed, the court may, on a like application, appoint a suitable person to act in his stead. And on application of the guardian, or of the feeble-minded person, or of any relative or friend of the feeble-minded person, or of any reputable citizen, or of the Department of Public Welfare, the court that appointed the guardian, on being satisfied that the case is or has become one unsuitable for guardianship, may order that the feeble-minded person be discharged from guardianship and set free, or be sent to a private institution qualified, and licensed under the laws of the State to receive him, whose managers are willing to receive him, or be committed to the Department of Public Welfare, as seems best to the court, having regard to all circumstances appearing on the hearing. No order shall be made discharging or varying a prior order placing the feeble-minded person under guardianship without giving one or more of the relatives or friends of the feeble-minded person, his guardian and the Department of Public Welfare, notice and an opportunity to be heard. As amended by act approved June 30, 1933.

357. Admission to feeble-minded institution.] § 12. Upon the entry of an order directing that a feeble-minded person be sent to a private institution for feeble-minded persons, the clerk of the court shall send a copy of the order to the superintendent of the institution to which such feeble-minded person is ordered to be sent, and such copy of the order of the court shall be the authorization to such superintendent to take and exercise the custody of such feeble-minded person. If the order of the court commits such feeble-minded person to the Department of Public Welfare the clerk of the court shall send a copy of the order to the director of the Department of Public Welfare or his agent duly authorized for that purpose, at such place as the director may designate for the reception of feeble-minded persons so committed to it, and said Department of Public Welfare shall receive at such place the feeble-minded person referred to in the order and assume the care and custody of such feeble-minded person: Provided, that if on account of the crowded condition of the buildings under the control of the department available for the care of feeble-minded persons it is impossible to accommodate such feeble-minded person, the director of the Department or his authorized agent shall inform the court with the promise that the court will be notified at once when the next vacancy occurs, and that such feeble-minded person will be then received as a charge by the department.

When any feeble-minded person is received by the Department of Public Welfare following commitment as provided in this Act, the department shall adopt and carry out such method for the care, custody and treatment of such feeble-minded person as the department may deem best for the protection of society and the welfare of such person. The department shall have power to place such person, in any institution adapted to the care of feeble-minded persons under its control, and to transfer any such person from one such institution to another, as the nature, characteristics or conduct of such feeble-minded person may require. Any feeble-minded person who may have been convicted of a crime, or adjudged delinquent by a court of competent jurisdiction, may be kept by the department in a secure place within a walled enclosure, and any feeble-minded person whom the department shall deem dangerous to other persons shall be so kept in such a secure place in order to prevent escape and protect society. As amended by act approved June 30, 1933.

358. Warrant for conveyance—Service.] §13. For the conveyance of any feeble-minded person to any private institution for the feeble-minded, admission thereto having been ordered by the court or to any place designated by the Department of Public Welfare for the reception of feeble-minded persons committed to it, as herein provided, the clerk shall issue a warrant in duplicate directed to the petitioner, or to some suitable reputable person, as the judge may select, commanding him to take such feeble-minded person and deliver him to the superintendent of the institution or the Department of Public Welfare as the case may be. When the judge thinks necessary, he may direct the clerk to authorize the employment of one or more assist-

ants, but no feeble-minded female shall be taken by any male person not her husband, father, brother or son, without the attendance of some woman of good character and mature age chosen for the purpose by the judge. Upon receiving the feeble-minded person, the superintendent of the institution, or the authorized agent of the Department of Public Welfare, shall endorse upon the warrant his receipt, naming the person or persons from whom the feeble-minded person is received, and one copy of the warrant so endorsed shall be returned to the clerk of the court to be filed with the other papers in the case, and the other shall be left with the superintendent or the authorized agent of the Department of Public Welfare, and the person delivering the feeble-minded person shall endorse thereon that he has so delivered him, and said duplicate warrant shall be prima facia evidence of the facts set forth therein and in said endorsement. As amended by act approved June 30, 1933.

359. Petition for discharge—Hearing—Discharge or variation of order.] § 14. No feeble-minded person admitted to an institution for the feeble-minded, or committed to the Department of Public Welfare, pursuant to an order of court as herein provided, shall be discharged therefrom except as herein provided, except that nothing herein contained shall abridge the right of petition for the writ of habeas corpus. At any time after the admission of the feeble-minded person, to an institution for the feeble-minded, or his commitment to the Department of Public Welfare, pursuant to an order of court as herein provided, the feeble-minded person or any of the relatives or friends of the feeble-minded person, or any reputable citizen, or the superintendent of the institution having the feeble-minded person in charge, or the Department of Public Welfare, may petition the court that entered the order of admission or commitment, to discharge the feeble-minded person, or to vary the order of the court sending the feeble-minded person to an institution or committing him to the Department of Public Welfare. If on the hearing of the petition, the court is satisfied that the welfare of the feeble-minded person, or the welfare of others, or the welfare of the community requires his discharge, or a variation of the order, the court may enter such order of discharge or variation, as the court thinks proper. Discharges and variations of orders may be made for either of the following causes: Because the person adjudged to be feeble-minded is not feeble-minded; because he has so far improved as to be capable of caring for himself; because the relatives or friends of the feeble-minded person are able and willing to supervise, control, care for and support him and request his discharge, and in the judgment of the superintendent of the institution or of the Department of Public Welfare having the person in charge, no evil consequences are likely to follow such discharge; but the enumeration of grounds of discharge or variation herein shall not exclude other grounds of discharge or variation which the court in its discretion, may deem adequate, having due regard for the welfare of the person concerned, or the welfare of others, or the welfare of the community. On any petition of discharge or variation, the court may discharge the feeble-minded person from all supervision, control and care, or may place him under guardianship, or may transfer him from the Department of Public Welfare to a private institution, or from a private institution to the Department of Public Welfare, as the court thinks fit under all the circumstances appearing on the hearing of the petition. The superintendent of the institution or the Department of Public Welfare having the feeble-minded person in charge, must be notified of the time and place of hearing on any petition for discharge or variation, as the court shall direct, and no order of discharge or variation shall be entered without giving such superintendent or the Department of Public Welfare as the case may be, a reasonable opportunity to be heard; and the court may notify such other persons, relatives and friends of the feeble-minded person as the court may think proper of the time and place of the hearing on any petition for discharge or variation of prior order. The denial of one petition for discharge or variation shall be no bar to another on the same or different grounds within a reasonable time thereafter, such reasonable time to be determined by the court in its discretion, discouraging frequent, repeated, frivolous, ill-founded petitions for discharge or variation of prior order. On reception of a feeble-minded person in an institution or by the Department of Public Welfare, pursuant to an order of court under this Act, the superintendent of the institution under the regulations of the Department of Public Welfare, or the Department of Public Welfare as the case may be, shall cause the feeble-minded person to be examined touching his mental condition, and if upon such examination it is found the person is not feeble-minded, it shall be the duty of the superintendent or the Department of Public Welfare as the case may be, to petition the court for a discharge or variation of the order sending him to the institution. Any person sent to an institution or committed to the Department of Public Welfare pur-

suant to an order of court under this Act shall have the right to at least one hearing on a petition for discharge or variation within one year after the date of the order sending him to an institution, or committing him to the Department of Public Welfare. As amended by act approved June 30, 1933.

360. Communication with friends—Leave of absence.] § 15. Every person admitted to any institution for the feeble-minded or kept in the custody of the Department of Public Welfare, shall have all reasonable opportunity and facility for communication with his friends, and be permitted to write and send letters, providing they contain nothing of an immoral or personally offensive character, and letters written by any charge to the director or any officer of the Department of Public Welfare, or to any State or county official, shall be forwarded unopened. No parole or leave of absence shall be granted to any feeble-minded person in the custody of the Department of Public Welfare whom the department considers a dangerous person to be at large and no parole or leave of absence shall be granted to any other feeble-minded person in the custody of the department except for good cause to be determined and approved by the department in each case which shall take appropriate measures to secure for the feeble-minded person proper supervision, control and care during such leave of absence, and no leave of absence shall be for a longer period than two weeks in one calendar year. As amended by act approved June 30, 1933.

361. Sudden or mysterious death—Inquest into.] § 16. In the event of a sudden or mysterious death of a charge of any private institution for the feeble-minded, or of the Department of Public Welfare, a coroner's inquest shall be held as provided by law in other cases. Notice of the death, and the cause thereof, shall in all cases be sent to the judge of the court having jurisdiction over such person, and the fact of the death, with the time, place, and alleged cause shall be entered upon the docket. As amended by act approved June 30, 1933.

362. Offenses—Penalty.] § 17. Any person who shall knowingly contrive, or who shall conspire to have any person adjudged feeble-minded under this Act unlawfully and improperly, or any person who shall violate any provision of this Act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not exceeding $1,000, or imprisoned not exceeding one year, or both, at the discretion of the court in which such conviction is had.

363. Costs of proceedings—Fees.] § 18. The costs of proceedings in feeble-mindedness shall be defrayed from the county treasury, unless otherwise ordered by the court as herein provided. But when on the hearing of the petition, the person alleged to be feeble-minded is found not to be feeble-minded, the court, in its discretion, may require that the costs shall be paid by the person who filed the petition, and may render judgment against him therefor, except that no judgment for costs shall be rendered against the petitioner who filed the petition pursuant to the direction of a court as provided in sections 20 and 21. The fees paid for attendance of witnesses and execution of legal process, shall be the same as are allowed by law for similar services in other cases. For service as commissioner, the sum of $5.00 per day and the actual and necessary traveling expenses shall be allowed, to each person so employed. But when the proceedings are instituted in a court of any county of which the alleged feeble-minded person is not a resident, in case a judgment for costs is not rendered against the petitioner as above provided, the judge of the county court in which the said feeble-minded person resides shall be furnished with a transcript of the record and findings in the case, and thereupon the said county shall be liable for the costs of the proceedings.

364. When feeble-minded person or guardian to pay costs.] § 19. Where an order that a feeble-minded person be placed under guardianship, or be sent to a private institution, or committed to the Department of Public Welfare, is made under this Act, the court entering the order, or any court having jurisdiction under this Act, may at any time, on the application of the petitioner, or of the guardian, or of the managers, or of the institution, or of the Department of Public Welfare, as the case may be, make an order requiring the feeble-minded person or any person liable or undertaking to maintain him to contribute such sums toward the expenses of his guardianship or of his maintenance and any charges incidental thereto, including the costs of the proceedings in feeble-mindedness, of his conveyance and in the event of his death, his funeral expenses, as seems reasonable, having regard to the ability of the feeble-minded person, or of the person liable or undertaking to maintain him. Any such order may be enforced against any property of the feeble-minded person or of the

person liable or undertaking to maintain him, in the same way as if it were a judgment or decree for temporary alimony in a divorce case. When a conservator of the estate of the feeble-minded person under guardianship, or in an institution under this Act, has been, or is appointed pursuant to "An Act to revise the law in relation to incompetents, idiots, lunatics, drunkards, and spendthrifts," approved March 26, 1874, any such order for contribution to maintenance may be made and enforced against such conservator only by the court that appointed such conservator and in the mode and manner prescribed by said last named act. As amended by act approved June 30, 1933.

365. Dependent or delinquent feeble-minded children.] § 20. When a child is brought before a "juvenile" court as a dependent or delinquent child, if it appears to the court, on the testimony of a physician or a psychologist or other evidence that such person or child is feeble-minded within the meaning of this Act, the court may adjourn the proceedings and direct some suitable officer of the court or other suitable reputable person to file a petition under this Act; and the court may order that pending the preparation, filing and hearing of such petitions, the person or child be detained in a place of safety, or be placed under the guardianship of some suitable person on that person entering into recognizance for his appearance.

366. Feeble-minded convicted of crime—Suspension of sentence pending hearing.] § 21. On the conviction by a court of record of competent jurisdiction of any person of any crime, misdemeanor, or any violation of any ordinance which is in whole, or in part, a violation of any statute of this State; or on a child brought before a juvenile court for any delinquency, being found liable to be sent to a reformatory school, a training school or an industrial school, the court if satisfied on the testimony of a physician or a psychologist or other evidence that the person or child is feeble-minded within the meaning of this Act, may suspend sentence or suspend entering an order sending the child to a reformatory, training or industrial school and direct that a petition be filed under this Act. When the court directs a petition to be filed it may order that pending the preparation, filing and hearing of the petition, the person or child be detained in a place of safety, or be placed under the guardianship of any suitable person on that person entering into a recognizance for his appearance. If upon the hearing of said petition or upon any subsequent hearing under this Act the person is found not to be feeble-minded the court shall impose sentence.

367. Removal from feeble-minded institution to insane hospital, etc.] § 22. When the mental condition of a person under guardianship or in an institution for feeble-minded persons, or in the custody of the Department of Public Welfare, pursuant to an order of court under this Act, becomes or is found to be such that he ought to be transferred to an institution for lunatics, the guardian or managers of the institution, or the Department of Public Welfare, as the case may be, shall cause such steps to be taken as may be necessary for his removal to an institution for lunatics under "An Act to revise the law in relation to the commitment and detention of lunatics, and to provide for the appointment and removal of conservators, and to repeal certain acts therein named," approved January 21, 1893, in force July 1, 1893. And when the mental condition of a person in an institution for lunatics under such Lunacy Act of 1893 becomes or is found to be such that he ought to be transferred to an institution for feeble-minded persons, or placed under guardianship, or committed to the Department of Public Welfare, under this Act, the managers of the institution for lunatics, or the Department of Public Welfare, may cause such steps to be taken as may be necessary for having an order entered by the court of original jurisdiction that he be sent to an institution for feeble-minded persons, or committed to the Department of Public Welfare or placed under guardianship under this Act. As amended by act approved June 30, 1933.

368. Discharge—Clothing and money.] § 23. No person shall be discharged from a public institution for feeble-minded, or from the custody of the Department of Public Welfare pursuant to commitment as a feeble-minded person, without suitable clothing and a sum of money not exceeding $20, sufficient to defray his expenses home, which shall be charged to the county in which the person resides, and collected as other debts due the institution are collected. But the court ordering the discharge may dispense with this requirement if the court, in its discretion, thinks it fit and proper under the circumstances. As amended by act approved June 30, 1933.

369. Escape—Duty to apprehend.] § 24. If any feeble-minded person shall escape from any private institution for the feeble-minded, it shall be the duty of the

superintendent of the institution and his assistants, and of any sheriff or constable, or other officer of the peace in any county in which he may be found, to take and detain him without a warrant, and report the same at once to the county judge of said county, who shall return him to the institution at the expense of the county from which he was admitted.

If any feeble-minded person shall escape from the custody of the Department of Public Welfare it shall be the duty of the officers of the Department to apprehend and retake such person and return him to the custody of the Department at the expense of the Department. As amended by act approved June 30, 1933.

370. Separate docket of proceedings.] § 25. Each court having jurisdiction under this Act shall keep a separate docket of proceedings in feeble-mindedness upon which shall be made such entries as will, together with the papers filed, preserve a complete and perfect record of each case, the original petitions, writs, and returns made thereto, and the reports of commissions shall be filed with the clerk of the court.

371. Record by Department of Public Welfare.] § 26. The Department of Public Welfare shall keep a record of all persons adjudged to be feeble-minded, and of the orders respecting them by the courts throughout the State, copies of which orders shall be furnished by the clerk of the court either upon or without the Department's application. As amended by act approved June 3, 1943.

372. Partial invalidity.] § 27. The invalidity of any part of this Act shall not be construed to affect the validity of any other part capable of having practical operation and effect without the invalid part.

(*Ill. Rev. Stat.* 1943; Chap. 23, Sec. 346-372.)

Dixon State Hospital

Although the following statute was enacted in 1913, providing for a State institution for the care of persons with epilepsy, it was not until 1918 that the first patient was admitted. Dixon had been chosen as the site of this institution in 1914 and in 1919, because of a waiting list of more than 1,000 at the Lincoln State School and Colony, the title of the institution at Dixon was changed to the "Dixon State Hospital," and feeble-minded patients were admitted. In 1931 the statute was amended, and the Dixon State Hospital was designated as the State institution to care for "improvable and not insane" postencephalitics, in addition to other groups. The types of patients now cared for at the Dixon State Hospital are the feeble-minded, epileptics, and postencephalitics. Admission is accomplished either by voluntary application of the patient or by court commitment. On December 31, 1943, there were 4,066 patients in the hospital in these groups: feeble-minded, 3,263; epileptic, 750; postencephalitic, 53.

AN ACT providing for the creating, locating, constructing and administering of a State colony for the care and treatment of persons suffering from epilepsy, post-encephalitis, or other mental disease. Approved May 27, 1913.

178-180. §§ 1-3. Repealed by Act filed July 13, 1939.

181. Object to be segregation and classification.] § 4. The object of said colony shall be to secure for bona fide residents of Illinois suffering from epilepsy, post-encephalitis or other mental disease a place of employment, instruction, treatment and custody. Said colony shall be so planned, arranged and constructed that there shall be adequate segregation of the sexes, separation of children from adults, and proper classification of the inmates. As amended by act approved July 2, 1931.

182. Physicians.] § 5. The colony shall maintain a staff of physicians educated and trained in the care and treatment of nervous and mental diseases, who shall perform such duties in accordance with rules to be formulated by the Department of Public Welfare. As amended by act approved June 2, 1943.

183. Research and study.] § 6. The superintendent and members of the staff of said colony shall have the same access and enjoy the same opportunities for study,

research and information at the State Psychopathic Institute as are enjoyed by the superintendent and members of the staffs of State hospitals for insane; and it shall be the duty of the Department of Public Welfare to make the necessary provisions for research and study in epilepsy, post-encephalitis, or other mental disease, their causes, methods of treatment, and probable measures of prevention. As amended by act approved July 2, 1931.

184. Admission of patients—Return—Insane not admitted.] § 7. Applicants, residents of Illinois, may be admitted to said colony by either of the following methods: 1. Upon voluntary application to the superintendent, substantiated by proof that said applicant is in need of care and treatment of said colony, such proof to consist of certificates from two physicians setting forth that said applicant for admission is an epileptic, or is suffering from post-encephalitis or other mental disease. Such certificates shall be under oath and made within thirty days next preceding the filing of such application. Physicians making such certificates shall be duly licensed to practice medicine or surgery in the State of Illinois, and shall have been in the actual practice of their profession. The application, certificate and other forms relating to the admission shall be in accordance with the rules and forms prescribed by the Department of Public Welfare. 2. Any parent, relative, conservator, guardian or reputable citizen may file a petition in any court of record of the county where the alleged sufferer resides, setting forth that the person is suffering from epilepsy, post-encephalitis or other mental disease, and is a proper subject for the care and custody of said colony. Such court shall make an inquiry in term or vacation into the mental and nervous condition of such person to determine whether he is or is not an epileptic or is suffering from post-encephalitis or other mental disease; and if it is found upon the evidence of two or more reputable physicians that such person is an epileptic or is suffering from post-encephalitis or other mental disease, said court may order the admission of such a person, and it shall be the duty of the superintendent to receive him or her and record him or her among the inmates of said colony provided, that in case there is no room in said colony, the said person shall wait his or her turn. County quotas of inmates to said colony shall be based upon population to be determined by the Department of Public Welfare.

If upon further examination at the said colony it shall appear that such person is not suffering from epilepsy, post-encephalitis or other mental disease, then it shall be the duty of the superintendent to recommend to the Department of Public Welfare, and the Department of Public Welfare to direct the return to the party or parties responsible for his or her admission, and all charges for expenses of such return shall be collected from the party or parties responsible for his or her admission: Provided, that it shall be shown to the satisfaction of said court at the time of the inquiry that the said person, his or her parents and relatives, are not able to bear such expenses; then such expenses shall be paid out of the county funds: Provided, also, that the terms of Section 23 of "An Act revising the laws relating to charities," approved June 11, 1912, and in force July 1, 1912, shall be applied by the Department of Public Welfare to the inmates of this colony and their friends and relatives. As amended by act approved July 2, 1931.

185. Officers and employes not to be liable for receiving or detaining.] § 8. The superintendent and members of the medical staff or other officers or employes of said colony shall not be liable at law for receiving or detaining, as provided for in this Act any person coming to said colony under the terms of this Act.

186. Transfer of patients—How paid.] § 9. The transfer of all patients from county or city institutions to said colony shall be paid by the county or city. Female patients so transferred shall be accompanied by at least one female officer or attendant designated by the court to perform such duty, and no female shall be transferred from said colony to her home or to another institution except she is accompanied by a reputable female attendant, selected by the superintendent to perform this duty.

187. Discharge and parole.] § 10. Discharge and parole from the colony shall be under the direction and control of the Department of Public Welfare, which shall formulate suitable rules and regulations governing the same. As amended by act approved June 2, 1943.

188. Rules and regulations.] § 11. The Department of Public Welfare shall make and enforce rules and regulations under the general terms of this Act and of "An Act to revise the laws in relation to charities," approved June 11, 1912, governing

the administration, maintenance and discipline of the colony. As amended by act approved June 2, 1943.

189. Partial invalidity.] § 13. The invalidity of any portion of this Act shall not affect the validity of any other portions hereof, which can be given effect without such invalid part.

(*Ill. Rev. Stat.* 1943; Chap. 23, Sec. 178-189.)

Lincoln State School and Colony

No specific statute appears authorizing the establishment of the Lincoln State School and Colony (formerly the Illinois Asylum for Feeble-minded Children at Lincoln). The law governing the commitment of feeble-minded persons (Care and Detention of Feeble-minded Persons, page 65, this volume) applies to this institution. Academic and vocational training are provided at the school, as well as psychological tests and medical and dental care. The population of the school on December 31, 1943, was 4,288 feeble-minded persons.

Portions of the following acts which apply only to those handicapped groups other than the mentally handicapped will be found on pages 26, 45 and 112 of this publication.

Institutions for Mentally Handicapped

AN ACT to revise the laws relating to charities. Approved June 11, 1912.

2. Purpose of the Act.] § 1. Omitted.

3. State charitable institutions.] § 2. The following are the State charitable institutions:

The Elgin State Hospital, at Elgin;
The Kankakee State Hospital, at Kankakee;
The Jacksonville State Hospital, at Jacksonville;
The Anna State Hospital, at Anna;
The East Moline State Hospital, at East Moline;
The Peoria State Hospital, at South Bartonville:
. . . . . .
The Lincoln State School and Colony, at Lincoln;
The Dixon State Hospital;
. . . . . .
The Manteno State Hospital, at Manteno;
The Chicago State Hospital, at Chicago;
The Alton State Hospital.

As amended by act approved June 29, 1943.

4. § 3. Repealed by act approved June 29, 1943.

5. General powers and duties of Department of Public Welfare—Rules—Annual report.] § 4. The Department of Public Welfare shall:

1. Exercise executive and administrative supervision over all State charitable institutions, now existing or hereafter acquired or created.

2. Accept and hold in behalf of the State, if for the public interest, a grant, gift, devise or bequest of money or property to the State of Illinois, to the Department of Public Welfare, or to any State hospital made in trust for the maintenance or support of an insane person or persons in a State hospital or hospitals, for any other legitimate purpose connected with any such hospital or hospitals. The Department of Public Welfare shall cause each gift, grant, devise or bequest to be kept as a distinct fund, and shall invest the same in the manner provided by the laws of this State as the same now exist, or shall hereafter be enacted relating to securities in which the deposit in savings banks may be invested. But the Department may, in its discretion, deposit in a proper trust company or savings bank, during the continuance of the trust, any fund so left in trust for the life of a single person, and shall adopt rules and regulations governing the deposit, transfer or withdrawal of such fund. The Department of Public

Welfare shall, on the expiration of any trust as provided in any instrument creating the same, dispose of the fund thereby created in the manner provided in such instrument. The Department shall include in its annual report a statement showing what funds are so held by it and the condition thereof: Provided, that moneys deposited with managing officers by relatives, conservators or friends of inmates, for the special comfort and pleasure of such inmates, shall remain in the hands of the said managing officers for disbursement to or for the benefit of such inmates; but each managing officer shall keep in a book an itemized account of all receipts and expenditures of funds described in this proviso, which book shall be open at all times to the inspection of the Department of Public Welfare.

3. Inspect and investigate outdoor poor relief, almshouses, children's home-finding societies, orphanages and lying-in hospitals.

4. Inspect, investigate and license all institutions, houses or places in which any person is or may be detained for care or treatment for mental or nervous diseases, as hereinafter provided.

5. Have the power of appointment and removal of the superintendents or managing officers of the State charitable institutions; and, subject to the State civil service law, the appointment and removal of all other employes of the said institution of the State Psychopathic Institute provided for herein, and the Department of Public Welfare.

6. On complaint in writing of at least two reputable citizens, visit and inspect any charitable society, institution or association which appeals to the public for aid, or is supported by trust funds; and shall report to the Governor upon its efficiency, economy and usefulness.

7. Inspect and investigate county jails, city prisons, houses of correction, workhouses and all places in which persons convicted or suspected of crime are confined, to collect important statistics concerning the inmates; to ascertain the sanitary condition of such institutions, and to ascertain how the insane are treated.

8. Regulate the admission of patients and inmates into the State charitable institutions as provided herein.

9. Be charged with the visitation of children placed in family homes and the licensing of home-finding associations and orphanages and with the duty of examining into the merits and fitness of all associations which purpose caring for dependent, neglected or delinquent children and which seek incorporation and of reporting its findings and recommendations relative to incorporation to the Secretary of State, and the Department may, in its discretion, revoke any license it has granted.

The Department of Public Welfare shall make all rules necessary for the execution of its powers. The managing officer of each State institution, embraced in this Act, shall make such special rules as may be needful, subject to the approval of the Department.

The Department of Public Welfare shall, on or before the fifteenth of October of each year, report to the Governor its acts, proceedings and conclusions for the preceding fiscal year, which report shall contain a complete financial statement of the various State institutions under its jurisdiction, and shall state whether the moneys appropriated for their aid are or have been economically and judiciously expended, whether the objects of the several institutions are accomplished, whether the laws in relation to them are fully complied with, and whether all parts of the State are equally benefited by said institution, together with such other information and recommendations as it may deem proper. The Department shall make such other reports as the Governor may require.

The Department, from time to time, shall make an examination of all the records and methods of administration, the general and special dietary, the stores and methods of supply, and, as far as circumstances may permit, of every patient or inmate confined therein, giving such as may require it opportunity to converse with the officers of the Department apart from the officers and attendants of the institution.

Whenever the Department of Public Welfare is satisfied the premises of any State charitable institution vested in it are no longer required in whole or in part for the State charitable purpose for which they were provided, or are being used, the Department shall devote such premises in whole or in part to some other State charitable purpose or purposes, and make all such changes and alterations in the premises and such additions thereto as it may think necessary and proper to adapt and equip the premises for the changed State charitable purpose or purposes. As amended by act approved June 29, 1943.

6-8. §§ 4(k), 6, 8 repealed by act approved June 29, 1943.

9. Officers not to be interested in contracts—Penalty.] § 9. No officer, agent or employe of the Department of Public Welfare, and no officer or manager of any State institution shall be directly or indirectly interested in any contract, or other agreement for building, repairing, furnishing or supplying said institutions, or for disposing of the product, or products, of any said institution. Any violation of this section shall subject the offender, on conviction, to be punished by a fine of not more than double the amount of said contract or agreement, or by imprisonment in the penitentiary for a term of not less than one nor more than three years. As amended by act approved June 29, 1943.

(See page 45 for section 10.)

11. § 11. Repealed by act filed July 13, 1939.

12. Salaries of employes—Additional compensation.] § 12. The Department of Public Welfare, from time to time, with the approval in writing of the State Civil Service Commission, except as to salaries of managing officers, shall determine the annual salaries of the officers and employes of the State institutions, which shall be uniform, as far as practicable, for like service: Provided, that the Department of Public Welfare may provide for additional compensation of not more than ten dollars ($10.00) per month for an officer or employe of any of the State hospitals for the insane, the Lincoln State School and Colony, the Illinois State Colony for Improvable Epileptics, the Illinois Soldiers' and Sailors' Children's School or the Illinois Eye and Ear Infirmary, who, at the instance and request of the managing officer thereof, furnishes entertainment or affords amusement to the patients, inmates or members of said institution. As amended by act approved July 8, 1935.

13. Fiscal supervisor—Powers and duties.] § 13. Under the supervision and direction of the Department of Public Welfare the fiscal supervisor of said Department shall:

1. Examine into the condition of all buildings, grounds and other property connected with any State charitable institution, and into its methods of bookkeeping, storekeeping, and all other matters relating to its business and financial management.

2. Study and become familiar with the relative advantages and disadvantages of the said institutions as to location, freight rates, efficiency of farm and equipment, for the purpose of aiding in the determination of the local and general requirements both for maintenance and improvement.

3. Arrange for interchange of farm products and other products between and among the various institutions.

4. Enforce the provisions of this Act for the collection of money to reimburse the State for the cost of the maintenance of patients and inmates. As amended by act approved June 29, 1943.

14. Budget—Appropriations.] § 14. Each managing officer of an institution, when required by the Department of Public Welfare, shall present to the Department an itemized list of appropriations desired for maintenance and special, as he considers necessary for the period of time to be covered by such appropriations. The fiscal supervisor of the Department shall tabulate such statements and present them to the Department of Public Welfare with his recommendations. The Department shall, with the approval of the Governor present the needs of the institutions to the legislature. For this purpose an average per capita allowance for the insane and other dependents, defectives and delinquents shall be arrived at and a total allowance asked for on the basis of actual population and estimated increase, this fund to be used as further provided in this Act. Every special need shall be itemized and the appropriation shall be asked for that specific purpose. The Department of Public Welfare shall present to the Governor and to the legislature such information regarding appropriations asked for as may be required. It is the intent that the ordinary, or maintenance, appropriation shall be made to the Department in a lump sum to be used for the several institutions according to their varying needs. As amended by act approved June 29, 1943.

15. § 15. Repealed by act filed July 13, 1939.

16. Monthly estimates of expense—Contingent fund.] § 16. For the purpose of proper regulation, recording and auditing of the various expenditures of the institutions, the managing officer of each institution shall prepare and present to the fiscal

supervisor of the Department of Public Welfare in triplicate, not less than fifteen days before the first day of the month referred to, and on forms furnished by the Department, a detailed monthly estimate of all needed supplies, materials, salaries and improvements. The fiscal supervisor shall review and, for reasons given in writing, alter, if deemed by him necessary, such estimates: Provided, that the managing officer issuing the estimate may appeal to the Department, should he consider, in his best judgment, such alteration harmful to the best interests of the institution under his charge. Estimates for periods longer than one month may be made in the same manner by managing officers for other supplies. Each estimate may include a contingent fund of the estimates for maintenance for the period of the estimate, for which contingent fund no detailed account need be given in the estimate, but which cannot be drawn upon except in due form specified by this Act, and by the rules of the Department.

The fiscal supervisor shall return to the managing officer one copy of the monthly and other estimates with his approval or alteration in writing, one copy so approved or altered he shall present to the State Auditor, and one copy so approved or altered he shall file in his own office. The State Auditor shall ascertain that the estimates so received do not exceed the respective appropriations. As amended by act approved June 29, 1943.

17. Treasurer.] § 17. Moneys collected from various sources such as the sale of manufactured articles, of farm products and of all miscellaneous articles, shall be transmitted to the State Treasurer and a detailed statement of such collections shall be made monthly to the fiscal supervisor by the managing officer of the institution. As amended by act approved June 29, 1943.

18. May require bonds of employes.] §18. The Department of Public Welfare shall prescribe and require surety bonds from the fiscal supervisor, and from each managing officer, steward, storekeeper or any other State officer or employe under the jurisdiction of the Department, where deemed advisable, in such penal sums to be determined by the Department. The cost of such bonds shall be paid by the State out of funds appropriated to the Department. Whenever a vacancy occurs in any position held by any bonded officer or employe, there shall forthwith be made an inventory of stock, supplies and records under the charge of such officer or employe. As amended by act approved June 29, 1943.

19. Admission of patients, etc.] § 19. The admission of patients and inmates to State hospitals for the insane and the Lincoln State School and Colony shall be under the control and direction of the Department of Public Welfare. The Department may divide the State into districts, for the purpose of regulating the admission of patients to hospitals for the insane. The Department may change the boundaries of the districts, from time to time, as may be necessary or expedient. Whenever such division or regulation shall have been made, the Department shall forthwith make and sign a report to that effect, designating the boundaries of and the counties included within each district and the number of patients apportioned to each hospital, and file the same with the Secretary of State, and send a copy thereof to the Superintendent of each hospital, and to each county judge, and to the clerk of each county in the State, to be filed in his office, and thereafter the State shall be divided into such districts. Whenever any change in such classification or regulation shall be made thereafter, a like report shall be made and filed, and a copy thereof sent to the county judges and to the clerks of all counties affected by such change, as well as to the superintendents of the respective State hospitals. Each State hospital for the insane shall receive patients, whether in an acute or chronic condition of insanity, from the district in which the hospital is situated. As amended by act approved June 29, 1943.

20. Insane and feeble-minded to be removed from county almshouses to State institutions.] § 20. The Department of Public Welfare shall cause the removal of insane persons from county almshouses to State hospitals for the insane and of feeble-minded women and children from county almshouses to the Lincoln State School and Colony as rapidly as room is provided for such patients and inmates in such State institutions. As such room is provided from time to time, the Department shall forthwith direct the superintendents of county asylums, or almshouses, to send such number of insane patients to State hospitals and such number of feeble-minded women and children to the Lincoln State School and Colony as can be accommodated therein. All county authorities sending patients or inmates to any State hospital or the Lincoln State School and Colony shall comply with all directions prescribed by the Department.

After sufficient accommodations shall have been provided in State institutions for all the pauper and indigent insane of all the counties of the State, the cost of clothing and other incidental expenses of county insane patients in State hospitals shall not be a charge upon any county after the first of January next ensuing, but the cost of the same shall be paid out of the funds provided by the State for the support of the insane. The Department of Public Welfare shall determine whether the accommodations are sufficient within the purview of this section, and if satisfied of the sufficiency of such accommodations, make a certificate to that effect and file the same with the Secretary of State and send a copy thereof to the superintendent of each State hospital and county asylum, and to each county almshouse and to each county judge, and to the clerk of each county in the State, to be filed in his office. Until such certificate is made and filed, the said cost of clothing and other incidental expenses of county insane patients shall continue to be a charge upon the county as under existing laws.

The foregoing provisions of this section relating to the insane shall not apply to or include counties of more than one hundred and fifty thousand inhabitants, until all the counties of this State having a population of less than 150,000 inhabitants (as determined by the then last preceding federal census) shall have been provided for. Whenever the counties of over one hundred and fifty thousand inhabitants, or any one of them, desire to be included in the provisions of this section relating to the insane, such counties, or any one of them, may be included therein in the following manner. The county board of such county so desiring to be included therein shall pass a resolution and spread such resolution upon the records of such county board, making application to the Governor to transfer any or all of such buildings, lands, appurtenances and equipments as are used by it as a county insane asylum to the State to be used for the same purpose. A certified copy of such resolution shall be sent to the Governor and the resolution shall be considered the required application. The Governor shall thereupon transmit said application to the Department of Public Welfare, whereupon the Department shall examine into the condition of such buildings, land, appurtenances and equipment, with a view to ascertain whether such property is suitable for the purposes of a State hospital for the insane; and shall report its findings and conclusions to the Governor. If the Department approves the transfer to the State, and if the Governor shall approve the same, the county insane asylum shall be converted into a State hospital for the insane, and its inmates shall become wards of the State. As amended by act approved June 29, 1943.

21. Return to or treatment by county institutions forbidden.] § 21. No insane person now, or hereafter, under the care of any State hospital in this State, shall be returned or committed to the care of any county insane asylum or almshouse, or to any county, town or city authorities; and the said county, town or city authorities are hereby forbidden to receive any such patient who may be returned or committed to them in violation of this section. After the State has assumed complete care of the public insane, no insane person shall be permitted to remain under county care, but all public insane shall be committed to the State hospital for the insane, or to private hospitals for the insane, as provided herein.

22. Transfer of insane patients.] § 22. The Department of Public Welfare may transfer, by its order, patients from one State hospital for the insane to another, when in its judgment such transfers are advisable. As amended by act approved June 29, 1943.

23. § 23. Repealed by act approved June 29, 1943.

24. Right to correspond.] § 24. Any insane patient in any State hospital shall be allowed to correspond, without restriction, with any officer of the Department of Public Welfare and with the county judge and the State's attorney of the county from which such insane patient was committed. As amended by act approved June 29, 1943.

25. § 25. Repealed by act filed July 13, 1939.

26. Insane patients or inmates or patients of charitable institutions may be boarded out.] § 26. Any insane patient in any State hospital for the insane, any inmate of the Illinois State School for Boys or the State Training School for Girls except inmates committed by any Court of the United States or any inmate or patient of any State charitable institution may be placed at board in a suitable family home by the Department of Public Welfare if the department considers such course expedient. The cost to the State of the maintenance of any such boarded out patient shall not exceed the average per capita cost of maintenance in the institution from which the patient is so boarded out. Bills for the support of a patient so boarded out shall be payable

monthly out of the proper maintenance funds and shall be audited as are other accounts of the department. The department shall cause all persons who are boarded out by it in family homes at public expense to be visited at least once each three months. Upon the complaint of any boarded out patient or of any responsible citizen or member of the household where such patient is boarded out, the department immediately shall investigate, and, if needful, such patient shall be removed at once to the institution of which he was an inmate or patient before he was boarded out or to another boarding place. Where there is no complaint, the department shall cause to be removed as above, any patient who, upon visitation, is found to be abused, neglected or improperly cared for when boarded out in a family home. The department may permit any boarder temporarily to leave custody as an insane person in charge of his guardian, relatives, friends or by himself, for a period not exceeding one year, and may receive him again into such custody when returned by any such guardian, relative or friend or upon his own application, within such period, without any further order of commitment and may, during such temporary absence, assist in his maintenance to an amount not exceeding the rate paid for his board when boarded out in a family home by the department.

In placing any child under this Act, the department shall place such child as far as possible in the care and custody of some individual holding the same religious belief as the parents of the child, or with some child welfare agency which is controlled by persons of like religious faith as the parents of such child. As amended by act approved June 29, 1943.

27. After-care of insane patients.] § 27. To secure for patients in State hospitals for the insane, the earliest possible discharge from such hospitals and a continuance of expert medical service after discharge, free of cost, the Department of Public Welfare shall institute a plan for the after-care of paroled patients and of discharged convalescent patients as follows:

A staff physician, or some other suitable person, shall, when the Department deems necessary, visit the home of any paroled patient or any convalescent patient before discharge and advise with the family as to the care and occupation most favorable for the patient's continued improvement and return to health; and such visits shall be made from time to time to the patient after parole or discharge, as are considered advisable by the Department. As amended by act approved June 29, 1943.

28. Institutions for mental and nervous treatment—License—Commitment to unlicensed institutes forbidden.] § 28. All institutions, other than State institutions, giving treatment and care to persons suffering from mental and nervous diseases, shall provide the Department of Public Welfare with detailed information from time to time, regarding their physical equipment and medical and nursing service, and shall furnish the Department a written certified statement every three months, giving the admissions, deaths and discharges during the previous three months. The Department shall license such institutions as it deems, after careful inspection, to be suitably equipped and conducted for the treatment and care of persons suffering from mental or nervous diseases, and may in its discretion revoke such license and no person so suffering shall be committed to or received or kept against his or her will, contrary to law, in any such institution not having a valid license from the Department. Any superintendent or responsible head of an institution conducting any such institution without a license therefor as hereinafter provided, or receiving or keeping, contrary to his, or her will, any person in any such institution, not licensed as aforesaid, shall be punished by a fine of not less than fifty dollars nor more than one thousand dollars, or by imprisonment in the county jail for a term not exceeding six months, or both such fine and imprisonment, in the discretion of the court. As amended by act approved June 29, 1943.

29. Occupation for inmates.] § 29. Each managing officer, under the supervision of the Department of Public Welfare, shall develop such occupations as shall serve the mental, moral and physical improvement or the happiness of the inmates, and the Department shall co-ordinate these activities as will best serve an educational, economical and efficient administration of all the institutions, but without prejudice to the primary needs of suitable education for the inmates. As amended by act approved June 29, 1943.

(Section 30 omitted. See page 112.)

31. Conferences.] § 31. The Department of Public Welfare may hold conferences of officers of State, county and municipal charitable institutions, officials re-

sponsible for the administration of public funds used for the relief or maintenance of the poor, and of county visitors, to consider in detail questions of management, the methods to be pursued and adopted to secure the economical and efficient conduct of such institutions, the most effective plans for granting public relief to the poor, and similar subjects. All officials invited to such conferences shall be entitled to actual necessary expenses, payable from any funds available for their respective boards and institutions: Provided, they procure a certificate from the Department of Public Welfare that they were invited to and were in actual attendance at the sessions of the conference. As amended by act approved June 29, 1943.

32. § 32. Repealed by act filed July 13, 1939.

33. Investigations.] § 33. The Department of Public Welfare may make such investigations as may be necessary to the performance of its duties. In the course of any such investigation any officer or qualified employee of the Department, authorized by the Director thereof, may administer oaths and secure by its subpoena both the attendance and testimony of witnesses and the production of books and papers relevant to such investigation. As amended by act approved June 29, 1943.

34. Compelling testimony of witnesses and production of books, etc.] § 34. Any person who shall be served with a subpoena by the Department of Public Welfare to appear and testify or to produce books and papers, in the course of an investigation authorized by law, and who shall refuse or neglect to appear, or to testify, or to produce books and papers relevant to said investigation, as commanded in such subpoena, shall be guilty of a misdemeanor and shall, on conviction, be punished by a fine of not less than fifty dollars nor more than one thousand dollars, or by imprisonment in the county jail for a term not exceeding six months, or both such fine and imprisonment, in the discretion of the court. The fees of witnesses for attendance and travel shall be the same as the fees of witnesses before the circuit courts of this State. Any circuit court of this State, or any judge thereof, upon application of the Department of Public Welfare may compel the attendance of witnesses, the production of books and papers, and giving of testimony before the Department of Public Welfare, or before any authorized officer or employee thereof, by an attachment for contempt or otherwise, in the same manner as production of evidence may be compelled before said court. Every person who, having taken an oath or made affirmation before the Department of Public Welfare or any authorized officer or employee thereof, shall wilfully swear or affirm falsely, shall be guilty of perjury and upon conviction shall be punished accordingly. As amended by act approved June 29, 1943.

(*Ill. Rev. Stat.* 1943; Chap. 23, Sec. 2—34.)

AN ACT to regulate the State charitable institutions and the state reform school, and to improve their organization and increase their efficiency. Approved April 15, 1875.

39-40. § 1, 2. Repealed. Act approved June 29, 1943.

41. Object of hospitals for the insane.] § 3. The hospitals for the insane shall receive and care for all insane or distracted persons residing in this State who may be committed to their care in accordance with law, and furnish all needed medical treatment, seclusion, rest, restraint, attendance, amusement, occupation, and support, which may tend to restore their health and sanity or alleviate their suffering. The Department of Public Welfare may discharge patients and refuse additional applications for admission to such hospitals whenever, in its judgment, the interests of the insane so demand. In the admission and retention of patients, curable and recent cases shall have preference over cases of long standing, and violent, dangerous or otherwise troublesome cases shall have preference over those of an opposite description. As amended by act approved June 29, 1943.

(Sections 42—44 omitted.)

45-59. §§ 7 to 21 repealed. Act approved June 30, 1925.

60. No officer to be interested in contract.] § 22. No officer, employe or agent of the Department of Public Welfare shall be directly or indirectly interested in any contract or other agreement for building, repairing, furnishing or supplying said institutions. Any person who violates this section shall, on conviction, be fined not more than double the amount of said contract or agreement, or imprisoned in the penitentiary for not less than one nor more than three years. As amended by act approved June 29, 1943.

61. § 23. Repealed. Act approved June 30, 1925.

62. Register to be kept.] § 24. Every State institution shall keep a register of the number of officers, employees and inmates present each day in the year, in such form as to admit of a calculation of the average number present each month.

63. Record of supplies.] § 25. Every State institution shall, so far as may be practicable, keep a record of stores and supplies, showing the amount of stores, etc., received and issued, with the dates and the names of the parties from or to whom the same were received or issued.

64. Admission to charitable institutions.] § 26. Residents of this State who are inmates of any of the State charitable institutions shall receive their board, tuition and treatment free of charge. Residents of other States may be admitted upon payment of the just costs of board, tuition and treatment: Provided, that no resident of another State shall be received or retained to the exclusion of any resident of this State. If any inmate is unwilling to accept gratuitous board, treatment or tuition, the Department of Public Welfare may receive pay therefor, and shall account for the same in an itemized monthly or quarterly statement, as donations, duly credited to the persons from whom they were received; and if the Department receives any moneys for the purpose of furnishing extra attention and comforts to any inmates of the institution, it shall account for the same, and for the expenditures, in like manner. As amended by act approved June 29, 1943.

65. When clothing and transportation furnished by county.] § 27. In all cases where persons sent to the Institution for the Blind or the Institution for the Deaf and Dumb or the Institution for Feeble-minded Children, are too poor to furnish themselves with sufficient clothing and pay the expenses of transportation to and from the institution, the judge of the county court of the county where any such person resides, upon the application of any relative or friend of such person, or of any officer of his town or county (ten days' notice of which application shall be given to the county clerk), may, if he shall deem said person a proper subject for the care of either of said institutions, make an order to that effect, which shall be certified by the clerk of the court to the principal or superintendent of such institution, who shall provide the necessary clothing and transportation at the expense of the county, and upon his rendering his proper accounts therefor semi-annually, the county board shall allow and pay the same out of the county treasury except that the State shall not charge the counties for the necessary clothing so provided for persons who are sent to an institution for the feeble-minded but shall furnish the same. As amended by act approved June 18, 1929.

66-69. §§ 28 to 31. Repealed. Act approved June 30, 1925.

70. Repeal.] §32. All acts and parts of acts inconsistent with the provisions of this Act are hereby repealed.

(*Ill. Rev. Stat.* 1943; Chap. 23, Sec. 39-41, 45-70.)

Mental Health Act

AN ACT to revise the law in relation to the commitment, admission, detention and care of mentally ill persons, to provide for the licensing and regulation of private institutions for the care of mentally ill persons, and to repeal an act herein named. Approved July 23, 1943. Effective Jan. 1, 1944.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

1. § 1. **Definitions.]** The words "mentally ill person" in this Act shall be construed to mean any person who by reason of unsoundness of mind is incapable of managing and caring for his own estate or is dangerous to himself or others if permitted to go at large, or is in such condition of mind or body as to be a fit subject for care or treatment in a hospital for mentally ill persons; provided that no person whose mental development was arrested by disease or physical injury occurring prior to the age of puberty, and no person who is afflicted with simple epilepsy, shall be regarded as mentally ill unless he is mentally ill as above defined. Nothing in this Act shall be construed to apply to an insane person, or a person supposed to be insane, who is in custody on a criminal charge.

"Department" means the Department of Public Welfare.

"Superintendent" means the chief administrative officer of any State hospital for the mentally ill or of any such local or licensed private institution.

"State hospital for the mentally ill" means any State institution for the care and treatment of mentally ill persons which is under the control of the Department of Public Welfare.

2. § 2. **Types of admission.]** A person alleged to be mentally ill to a degree which warrants institutional care, and who is not in confinement on a criminal charge, may be admitted to and confined in a State hospital for the mentally ill, or in a State, county or municipal psychopathic hospital, or in a licensed private institution for the mentally ill, by compliance with any one of the following admission procedures:

1. On voluntary application.
2. On consent by lack of protest.
3. On court commitment.
4. On emergency admission.

The Department shall prescribe and furnish forms of application for use in admission procedure, and admission shall be had only upon such formal application. A person mentally ill shall be admitted to a state hospital for the mentally ill, a duly licensed institution for the mentally ill, or to the care and custody of a relative or conservator as hereinafter provided. No epileptic or feeble-minded person shall, by reason of such condition, be admitted to or confined in a State hospital for the mentally ill, but any epileptic or feeble-minded person becoming mentally ill may be admitted as a mentally ill person to a State hospital for custody and treatment therein until recovered from such mental illness.

A mentally ill person or person supposed to be mentally ill, who has not been adjudged mentally ill, shall not by reason of his mental illness or supposed mental illness be restrained of his liberty except in accordance with the procedures herein provided for.

3. § 3. **Voluntary admission.]** Any person of lawful age who may desire the benefit of treatment in a State or licensed private hospital or any institution for the care and treatment of the mentally ill, as a voluntary patient, may be admitted to such hospital or institution on his own written application to the superintendent of the State or licensed private hospital. A minor may be admitted as a voluntary patient upon application filed by his parent, guardian or other person in loco parentis. Pursuant to rules and regulations prescribed by the Department, the superintendent of any State hospital or licensed private institution for the care and treatment of the mentally ill may receive and retain therein as a patient any person suitable for care and treatment, who voluntarily makes written application therefor on a form prescribed by the Department or, in the case of a minor, for whom application is made as herein provided.

A person thus received at such hospital or institution shall have the right to leave at any time on giving ten days' notice to the Superintendent, and shall not be detained under such voluntary admission more than ten days from and inclusive of the date of notice in writing of his intention or desire to leave, unless admission procedure under other sections of this Act be complied with; nor shall any person be received or detained as a voluntary patient whose mental condition is such, or becomes such, that such person cannot comprehend the act of voluntary commitment, or be able to request his discharge, or give continuous assent to detention. Upon admission to a hospital or institution for the mentally ill under this section the patient shall be informed in simple, non-technical language, of his rights of discharge as prescribed herein. The superintendent shall, within ten days after the admission of a patient by such voluntary admission, forward to the Department a record of such patient in accordance with this Act and the rules and regulations prescribed by the Department.

The Department shall, from time to time, examine such cases and determine if they belong to the voluntary class, and the decision of the Department as to admission or discharge shall be forthwith complied with by the superintendent. Any failure to conform to the requirements of this section or the rules and regulations of the Department hereunder shall be sufficient cause for revocation of a license heretofore issued to a private institution.

4. § 4. **Admission on consent by lack of protest.]** Unless court action as provided for in Section 5 is demanded of the county court by the patient, his relatives, friends or attorneys, or unless it is evident to the court that the patient or his relatives,

friends or attorneys are protesting the admission procedure provided in this section, any institution for the care and treatment of the mentally ill may receive and retain therein as a patient any person suitable for care and treatment, on a verified application made as herein required and examined by the county judge as hereinafter set forth. The application shall be accompanied by a certificate executed by a physician duly licensed to practice medicine in this State, on a form prescribed by the Department, and dated not more than ten days before the date of admission, provided, that the certifying physician shall not be a relative of the person applying for the admission or of the person alleged to be mentally ill, nor be a manager, trustee, superintendent, proprietor, officer, stockholder, nor have any pecuniary interest, directly or indirectly, nor be a resident physician in the institution to which it is proposed to admit such person, nor have any interest in the estate of the person to be admitted nor bear any relationship to him.

Any person with whom an alleged mentally ill person may reside or at whose home he may be, or the father or mother, husband or wife, brother or sister, or the child of any such person, or the nearest relative or friend available, or an officer of any well-recognized charitable institution or agency or home, or any public welfare officer of the municipality or the Department of Public Welfare of the city or county in which any such person may be, may apply for admission of such person to a hospital for the mentally ill by presenting a verified application for admission of such patient containing a statement of the facts upon which the allegation of mental illness is based, and because of which the application for treatment in a mental hospital is made.

The final examination by the certifying physician must be made within ten days next before and inclusive of the date of admission. The certificate must show that the person is alleged to be mentally ill and in need of care in a mental hospital. The date of the certificate shall be the date of the examination. The certificates shall contain the facts and circumstances upon which the judgment of the examiner is based and shall show that the condition of the person examined is such in his judgment as to require care and treatment in an institution for the mentally ill and shall disclose, so far as possible, the particular mental illness of the patient and certify that the examining physician has made known to the patient the nature of the examination and the patient's response thereto.

The certificate and the verified application shall be submitted immediately to the county judge of the county where the patient resides, or may otherwise be present. Reasonable notice of the time and place when the physician's certificate and the application will be examined by the county judge shall be served personally upon the person alleged to be mentally ill, and, if the application has been made by a person other than the wife, husband, father, mother or other nearest relative, a copy of such notice shall also be served upon such wife, husband, father, mother or other nearest relative of such alleged mentally ill person, if there be any such person known to be within the county; if not upon the person with whom the alleged mentally ill person may reside, or at whose home he may be, or in their absence, upon a friend of such alleged mentally ill person; and if there be no such person or persons, such additional service shall be dispensed with. The county judge shall designate and appoint a competent, disinterested physician to examine and interview the patient. Such physician shall inform the patient in simple, non-technical language of his right to oppose and protest the procedure or confinement in the institution, and of his right to demand and obtain a trial before a court and before a jury. He shall take down in writing the response of the patient to such statement, and shall report to the court in writing what was said to the patient and what the patient said in response thereto, and he shall include in his report any statements, observations or recommendations which he may see fit to make. He shall make and submit to the county judge a certificate which shall embody his conclusions concerning the mental illness of the patient and his need, if any, for care and treatment in an institution for the mentally ill. If it shall appear from the certificates of the two (2) physicians that the patient is mentally ill and in need of institutional care and treatment and that he comprehends the nature of the admission and detention procedure and if it appears to the county judge that neither the patient nor a person authorized hereunder to act on his behalf is demanding court action under Section 5 or protesting the admission procedure under this section, and if the county judge is further satisfied that the procedure in Section 5 need not be followed, he shall mark on each of the certificates and on the application the word "approved" followed by his signature. The affixing of the signature of the county judge to the physicians' certificates and the application shall not constitute an adjudication by the county court that the person is mentally ill, and

if such an adjudication is desired, or is required by the court, the procedure contained in Section 5 shall be followed. If the county judge believes that the welfare of the patient so demands he may require the procedure contained in Section 5 to be followed.

The superintendent of the institution to which admission is made shall keep on file in the institution the verified application for admission of the patient and the certificates of the certifying physicians.

These certificates shall not be open to public inspection but may be inspected by the Director of the State Department of Public Welfare or his duly authorized representative, by the State's attorney of the county of which the patient is a resident, by the State's attorney of the county in which the institution is located, by an attorney representing the patient, or by the spouse, parent, adult brother, sister or child of the patient, either in person or by their authorized attorney, or by any court having jurisdiction in the course of legal proceedings in which the mental condition or mental competence of the patient or the justification of his detention is a matter of question.

Within ten days after the admission of the patient to a hospital or institution, the superintendent shall render a preliminary report to the Director of the Department of Public Welfare as to the mental condition of the patient with a statement as to the advisability of continuance of treatment in such institution.

The Director of the Department of Public Welfare shall provide for the diligent study of the reports submitted by the superintendents of hospitals or institutions for the treatment of mental illness. Whenever it appears, for any reason, that special inquiry and action is required in the case of any patient, the Director of the Department of Public Welfare shall undertake such inquiry and direct the action indicated as the result of the inquiry.

The superintendent of such institution shall discharge the patient if medical examinations in the institution indicate that the patient is at any time not a fit subject for care therein or if the patient has recovered from his mental illness. A report of such discharge shall be made to the Director of the Department of Public Welfare.

A person received under this section at a hospital or institution shall have the right to leave at any time on giving ten days' notice to the superintendent, and shall not be detained more than ten days from and inclusive of the date of notice in writing of his intention or desire to leave, unless admission procedure under other sections of this Act be complied with; nor shall any such person be detained whose mental condition becomes such that he cannot comprehend the nature of his commitment, or be able to request his discharge or give continuous assent to detention. Upon admission to a hospital or institution for the mentally ill under this section the patient shall be informed, in simple, non-technical language of his rights of discharge as prescribed herein.

5. § 5. Court commitment.] A mentally ill person may be committed to and confined in a private licensed institution for the custody and treatment of the mentally ill or committed to the Department of Public Welfare and confined in a State hospital for the mentally ill, upon an order made by a judge of the county court of the county in which he resides or in which he may otherwise be present. The order adjudging such person to be mentally ill shall be based upon certificates made by two physicians duly licensed to practice medicine in this State, accompanied by a verified petition therefor, or upon such certificate and petition, and after a hearing, as provided in this section; provided, that if the alleged mentally ill person or a relative or a friend on his behalf demands an inquest by a jury on the question of mental illness, the court shall enter such order only after a jury inquest. In all cases of inquest, the jury shall consist of six persons, and one of the jurors at least must be a qualified physician. The proceedings shall conform in all respects, as nearly as may be, to the ordinary practice of the county court. The rights of the person whose mental condition is inquired into shall be the same as those of any defendant in a civil suit.

Any person with whom an alleged mentally ill person may reside or at whose home he may be, or the father or mother, husband or wife, brother or sister, or the child of any such person, or the nearest relative or friend available, or any public welfare officer, or any officer of the Department, or any health officer of the State, municipality or county in which any such person may be, or any reputable citizen of the county in which the person resides, may apply for admission of such person to a hospital for the mentally ill by filing a verified petition with the clerk of the county court of the county in which such mentally ill person resides or in which he may

otherwise be present containing a statement of the facts upon which the allegation of mental illness is based, and because of which the application for the order is made.

Certificates by two duly licensed physicians shall be executed in accordance with the provisions of Section 4 of this Act relating to the first physician's certificate required to be submitted with the verified application for admission of a person alleged to be mentally ill.

Reasonable notice of such application shall be served personally upon the person alleged to be mentally ill, and if the petition be made by a person other than the wife, husband, father, mother or other nearest relative, a copy of such notice shall also be served upon such wife, husband, father, mother or other nearest relative of such alleged mentally ill person, if there be any such person known to be within the county; if not, upon the person with whom such alleged mentally ill person may reside, or at whose home he may be, or in their absence, upon a friend of such alleged mentally ill person; and if there be no such person or persons, such additional service may be dispensed with.

The court to whom such application is made may, if no demand is made for a hearing in behalf of the alleged mentally ill person, proceed forthwith to determine the question of mental illness and if satisfied that the alleged mentally ill person is mentally ill, may immediately enter an order accordingly and issue an order for the commitment of such person as herein provided. If, however, it appears that such mentally ill person is harmless and his relatives are willing and able properly to care for him at some place other than such institution, upon their written consent, the court may order that he be placed in the care and custody of such relatives. The court may, in its discretion, require other proofs in addition to the petition and certificate of the certifying physician.

Upon the demand of the patient himself or of any relative or friend in behalf of such alleged mentally ill person, the court shall, or it may upon its own motion, issue an order directing the hearing of such application before it at a time not more than ten days from the date of such order, which shall be served upon the parties interested in the application and upon such other person as the court, in its discretion, may name. Upon such day, or upon such other day to which the proceedings shall be regularly adjourned, it shall hear the testimony introduced by the parties and examine the alleged mentally ill person if deemed advisable, in or out of court, and render a decision in writing as to such person's disorder, based upon the finding of the jury if a jury inquest is had. If it be determined that such person is mentally ill, the court shall forthwith enter an order to that effect and issue its order committing him to a private licensed institution for the custody and treatment of the mentally ill, or to the Department of Public Welfare for confinement and treatment in a State hospital, or make such other order as is provided in this Act. If such court cannot hear the application it may, in its order directing the hearing, name some commissioner who shall hear the testimony and report the same forthwith, with his report thereon, to such court, provided, that if a jury inquest is demanded, the hearing and inquest shall be before the judge. If such court shall refuse to issue an order of commitment under any of the provisions of this Act, it shall enter an order discharging the patient.

If a mentally ill patient be committed to the care and custody of some person who agrees to provide private care for the patient, that person shall forthwith file the petition, certificate and order in the office of the clerk of the county court where such order is made and transmit a certified copy of such papers to the Department and procure and retain another such certified copy. The person authorized to provide for the care and custody of a mentally ill person shall keep the Department informed of the address at which the mentally ill person is maintained, and shall render such further reports as the Department may require as to the physical and mental condition of the committed person.

Any person into whose mental condition a judicial inquiry under this section shall have already begun, may elect to enter a hospital or institution for mental illness in accordance with the provisions of Section 3 or 4 of this Act, provided notice of such intention is given to the court having jurisdiction at any time prior to the final adjudication of the inquiry.

Each county judge shall keep a separate docket of proceedings under this Section 5, upon which shall be made such entries as will, together with the papers filed, preserve a perfect record of each case. The original petitions, physicians' certificates, other proofs, reports of commissioners or verdicts of juries, shall be filed with the clerk of the court.

6. § 6. Presentment of records of admission or commitment.] In proceedings under Sections 4 and 5, the petition of the applicant, the certificates of the certifying

physicians, the order directing a further hearing, if one be issued, and the order of commitment, if any, shall be presented all in triplicate at the time of the admission or commitment to the Superintendent of the Institution to which the mentally ill person is admitted or presented under a commitment and one copy of each shall be forwarded by the Superintendent and filed in the offices of the Department of Public Welfare and in the office of the clerk of the county in which the mentally ill person resides. The court, however, may order the certificates of the certifying physicians, other proofs and reports of commissioners filed in the office of the clerk of the county court sealed and exhibited only to the parties to the proceedings, or to the spouse, parent, adult brother, sister or child of the patient, or their duly authorized attorney, or other person properly interested.

7. § 7. **Transfer of patients to State hospitals.**] If the admission or commitment be to a State hospital the only persons who may be authorized to transfer the mentally ill patient to the State hospital shall be a friend or relative of the patient who is able to effect the transfer safely and humanely, or Department of Public Welfare through agents approved by the Director as being trained and skilled in the care of mentally ill persons, but no female patient shall thus be taken to the hospital by any person not her husband, father, brother or son, without the attendance of some other woman of reputable character and mature age. Transfer to the State hospital must be made within 48 hours after the entry of the order of commitment under Section 5, or, if the proceedings be under Section 4, within 48 hours after admission to a State hospital is authorized thereunder, unless further delay be granted by the court. The charges for transportation, when borne in the first instance by the Department, may be assessed by the court, in proceedings for commitment under Section 5, or the Department, in proceedings under Section 4, against the estate of the patient or against the county in which the patient resides.

8. § 8. **Veterans Administration—Hospitals.**] When it is determined by the Veterans Administration, or other appropriate agency of the United States Government, that any mentally ill person is eligible and that facilities of the Veterans Administration, or such other agency of the United States, are available for his care and treatment, and that such person will be admitted thereto, all the appropriate provisions of this Act relating to admission or commitment to a State hospital shall be construed as applicable and as authorizing voluntary or other admission, or commitment, to the Veterans Administration, or other appropriate agency of the United States. Upon admission, such mentally ill person shall be subject to the applicable rules and regulations of the Veterans Administration or other agency of the United States operating the institution in which such care or treatment is provided. The Chief Officer of any facility of the Veterans Administration or institution operated by any other agency of the United States to which a mentally ill person is admitted, or committed by a court of competent jurisdiction of this State, shall have the same powers as superintendents of State hospitals for the care of the mentally ill in this State with respect to the custody, transfer, conditional discharge, or discharge of such person.

Jurisdiction is retained in the appropriate court of this State at any time to determine the necessity for continuance of restraint as provided in Section 26 of this Act

The judgment or order of commitment by a court of competent jurisdiction of another State or of the District of Columbia, committing a person to the Veterans Administration, or other agency of the United States Government for care or treatment shall have the same force and effect as to the committed person while in this State as in the jurisdiction in which is situated the court entering the judgment or making the order; and the courts of the committing State, or of the District of Columbia, shall be deemed to have retained jurisdiction of the person so committed for the purpose of inquiring into the mental condition of such person, and of determining the necessity for continuance of this restraint. Consent is hereby given to the application of the law of the committing State or District in respect to the authority of the Chief Officer of any facility of the Veterans Administration, or of any institution operated in this State by any other agency of the United States to retain custody, or transfer or discharge the committed person.

The appropriate official of the Veterans Administration, or other agency of the United States, shall have authority to transfer any person heretofore or hereafter committed to the Veterans Administration, or other appropriate agency of the United States, or to a hospital maintained by either, or to any other hospital operated by the Veterans Administration, or any other agency of the United States, or to any licensed private institution, or, subject to the prior approval of the Department of Public Welfare, to any Illinois State Hospital for the Mentally Ill. The Department of Public

Welfare shall have the authority, subject to eligibility and the prior approval of the appropriate official of the Veterans Administration, or other appropriate agency of the United States Government, to transfer for care or treatment any patient committed to an Illinois State Hospital for the care of the mentally ill, other than the Illinois Security Hospital, to the Veterans Administration or other appropriate agency of the United States Government. Upon any such transfer and notice thereof by mail to the committing court or the Judge thereof, the original commitment of such person shall be deemed to constitute commitment to the Veterans Administration or other agency of the United States or to the State hospital or licensed institution to which such person may, from time to time, be so transferred.

Nothing in this Act shall be construed as conferring upon the Department of Public Welfare or other agency or officer of this State any power of licensing, supervision, inspection, or control over hospitals or other institutions operated by the United States Government, or over the officers, or employees therein.

9. § 9. **Temporary detention—Procedure.**] In addition to other procedures for admission under this Act, a person alleged to be mentally ill may be temporarily detained for a reasonable time not exceeding fifteen days, pending a judicial investigation of his mental condition, when not to do so would endanger his own life or the life of others. Such a person may be received immediately by a State or licensed private institution authorized by law to care for the mentally ill, or by a municipal or county institution approved by the Department, upon the written statement and recommendation of any physician licensed to practice medicine in this State; provided that said physician shall not be related, either by blood or marriage, to such person. The statement, which shall be filed within ten (10) days of its having been made, shall contain the facts and circumstances upon which the recommendation is based and shall show that the person is, in the physician's judgment, in immediate need of care in an institution for the mentally ill. A copy of the statement and recommendation shall be forwarded to the Department within ten days. The superintendent of any such institution may refuse to receive such mentally ill person if he believes the condition of the patient is not of such character as to require immediate treatment.

The governing body of any city, village, incorporated town, township or county may provide a permanent place for the reception and temporary care and nursing of mentally ill or alleged mentally ill persons temporarily detained as herein provided, which place shall be approved by the Department of Public Welfare and shall conform in all respects to the requirements of the Department. If no such approved place exists in any county, or if the facilities of an approved place in the county are not suitable for the individual case, the Department may designate for such county any State hospital for the mentally ill, and upon such designation the patient may be detained under this section only at such place. All persons received at such approved place (other than a State hospital for the mentally ill) under this section shall be maintained therein at the expense of such city, village, incorporated town, township or county, as the case may be.

A person temporarily detained under this section shall not be received a second time on the basis of the same facts or on the certificate of the same physician.

10. § 10. **Maintenance and treatment.**] Subject to the provisions of Section 26 of "An Act to regulate the State charitable institutions and the State reform school, and to improve their organization and increase their efficiency," approved April 15, 1875, as amended, mentally ill persons admitted to any State hospital for the mentally ill shall be maintained and treated, while in the hospital, at the expense of the State, but the cost of clothing, transportation and other incidental expenses not constituting any part of the maintenance or treatment, shall be defrayed at their own expense, or that of the county from which they were admitted.

All mentally ill persons not in confinement under criminal proceedings shall, unless otherwise adequately provided for, be transferred and admitted without unnecessary delay, to a State hospital for the mentally ill in accordance with procedures under this Act. The Department, or any health officer of the State or of any municipality where any mentally ill person may be located, may inquire into the manner in which any mentally ill person who is not a patient in a State hospital for the mentally ill is cared for and maintained.

11. § 11. **Transfer of patients.**] The Department may transfer patients from one State hospital for the mentaly ill to another whenever such transfer is deemed advisable.

12. § 12. **Duty of guardian or conservator.]** When there is available to the mentally ill person sufficient property to maintain himself, and his mental illness is such as to endanger his own person, or the person and property of others, the guardian of his estate or conservator of his estate shall expend such part of the estate as the Court appointing such guardian or conservator shall direct in providing a suitable place for his confinement and treatment.

13. § 13. **Required records.]** Every superintendent of an institution for the care and treatment of the mentally ill shall keep such records and make such reports as are prescribed from time to time by the Department.

14. § 14. **Responsibility of Department of Public Welfare to supervise care and treatment.]** Whenever the Department has reason to believe that any person alleged or adjudged to be mentally ill and confined in a public or private institution for the care of the mentally ill is wrongfully deprived of his liberty, or is cruelly, negligently or improperly treated, or inadequate provision is made for his medical care, proper supervision and safekeeping, it may ascertain the facts, or may order an investigation of the facts by the Department. The Director, or any qualified and duly authorized representative of the Department conducting the proceeding, may administer oaths and issue compulsory process for the attendance of witnesses and the production of papers. If the Department deems it proper, it may issue an order directed to any or all institutions directing and providing for such remedy or treatment or both as shall be therein specified. Such order shall be binding upon any and all institutions and persons to which it is directed. Whenever the Department undertakes an investigation into the general management and administration of any institution for the mentally ill, it may give notice to the attorney general who shall appear personally or by deputy and examine witnesses who may be in attendance. The Department, or its duly authorized representative, may at any time visit and examine the inmates of any county or city almshouse, to ascertain if mentally ill persons are kept therein.

15. § 15. **Acquittal of accused person on plea of insanity—Notice.]** When any person is committed to the Department of Public Welfare, or to the Department of Public Safety, as the case may be, pursuant to Section 12 of Division II of "An Act to revise the law in relation to criminal jurisprudence," approved March 27, 1874, as amended, being acquitted of crime on the plea of insanity, or being under indictment of crime, the State's Attorney in charge of the case shall officially notify the Department of Public Welfare or the Department of Public Safety, as the case may require, of any indictment pending against such person or of the fact that the accused has been acquitted on the plea of insanity, and the Department of Public Welfare, or the Department of Public Safety, in case either Department shall at any time discharge the accused, shall officially notify the said State's Attorney of the fact of such discharge and the reasons therefor.

16. § 16. **Letters by patients.]** All letters addressed by a patient to the governor, attorney general, judges of courts of record, state's attorneys, officers of the Department or attorneys at law licensed to practice in the State, must be forwarded at once to the person to whom they are addressed, without examination. Letters in reply from the officials and attorneys above mentioned shall be delivered to the patient.

17. § 17. **Discharge, absolute and conditional.]** The superintendent of a State or other public hospital for the mentally ill, on filing his written certificate with the Department may discharge any patient who has entered the hospital pursuant to the provisions of Section 4 or 5 of this Act, except one held upon an order of a court or judge having jurisdiction in any criminal action or proceeding at any time, as follows:

(a) A patient who, in his judgment, is recovered.

(b) Any patient who is not recovered but whose discharge, in the judgment of the superintendent, will not be detrimental to the public welfare, or injurious to the patient.

The superintendent may grant a conditional discharge to a patient for a period not exceeding one year, which conditional discharge may be renewed under general conditions prescribed by the Department. The hospital granting such conditional discharge to a patient shall not be liable for his expenses while on conditional discharge. Such liability shall devolve upon the relative, conservator, or person in whose care the patient is placed, or the proper welfare official of the town or county in which he may have found domicile.

Patients in State hospitals for the mentally ill may be boarded out as provided in Section 26 of "An Act to revise the laws relating to charities," approved June 11,

1912, as amended. (See page 78 in this publication.) The Department may arrange for the placing of boarded out and conditionally discharged patients in private employment whenever such course will aid in their rehabilitation.

The superintendent of a licensed private institution, on filing his written certificate with the Department, may discharge any patient who is recovered, or, if not recovered, whose discharge will not be detrimental to the public welfare, or injurious to the patient. The superintendent of such institution may, subject to the approval of the Department, refuse to discharge any patient, if in his judgment, such discharge will be detrimental to the public welfare or injurious to the patient, and, if the conservator or relatives of such patient refuse to provide properly for his care and treatment, the patient may be admitted or committed to a State hospital upon compliance with admission procedures authorized by this Act.

18. § 18. **Patients leaving hospital without authorization.]** If any patient shall leave the hospital for the mentally ill without being duly discharged as provided by this Act, the health officer of the State, county or municipality where he is found, or where he resides, may be called upon by the superintendent of the hospital to make an investigation. If the patient is considered by the superintendent to be dangerous if at large, any peace officer of the State, county or municipality in which such person may be found, upon the request of the superintendent of the hospital, shall apprehend him. The person apprehending the patient shall immediately notify the superintendent of such fact. The Department or the private institution, as the case may be, shall arrange for the return of the patient to the appropriate hospital for the mentally ill. The costs of returning a patient who has escaped from a private institution shall be paid by such institution. If the escape is from a State hospital for the mentally ill, such costs shall be paid by the Department.

19. § 19. **Non-residents.]** Mentally ill persons not residents of this State shall not be detained in any private institution for the mentally ill of this State unless admitted thereto in accordance with the laws of the State or territory of which they are residents, or with the laws of this State.

20. § 20. **Deportation authorized—Importation forbidden.]** A person who has not acquired a legal domicile in this State and who is committed to the Department of Public Welfare for care and treatment in a State hospital by order of any judge, or admitted to a State hospital for the mentally ill on certificates of two duly licensed physicians and an application as hereinbefore provided, may be returned by the Department, either before or after his admission to a State hospital, to the State to which he belongs, and for such purpose the Department may expend so much of the money appropriated for the care of the mentally ill as may be necessary therefor; provided, however, that no such person shall be so returned unless arrangements to receive such person have been made in the State to which he is to be returned.

Any person who knowingly brings, or causes to be brought, a person who is mentally ill from out of the State into this State and leaves or attempts to leave him within the State for the purpose of placing him or requiring his placing as a patient or inmate in any State institution within this State for care or treatment therein at the expense of the State, shall be guilty of a misdemeanor.

21. § 21. **Licensing of private institutions.]** No person, firm or partnership, association or corporation shall establish or maintain an institution, or special department within a general hospital, for the care, custody or treatment of mentally ill persons, for compensation or hire, without first obtaining a license therefor from the Department as herein provided.

Application for a license shall be upon forms prescribed by the Department and shall declare under oath:

(1) The name and address of the applicant, location of its principal and all other officers, and the form and date of organization;

(2) A description of the applicant, including: (a) if the applicant is a partnership, unincorporated association or any similar form of business organization, the names, residences and business addresses of all partners, members, officers, directors, trustees or managers; (b) if the applicant is a corporation, the names, residences and business addresses of all its officers and directors;

(3) The general plan and character of the business of the applicant;

(4) Information and evidence as to the financial responsibility of the applicant;

(5) A plan of the premises proposed to be occupied, describing the buildings and the use intended, the extent and location of grounds appurtenant thereto, the number of patients proposed to be received, and information as to the professional staff;

(6) Such additional information as the Department deems necessary to establish whether or not the applicant should be licensed under this Act as a private institution for the care, custody and treatment of persons mentally ill.

A fee of $25.00 shall accompany the application and shall be paid to the Department.

Upon application duly made, the Department shall consider the application, and shall cause an examination to be made of the premises proposed to be used by the applicant, and if the Department determines that the premises proposed to be used for the care, custody and treatment of persons mentally ill are fit and suitable for said purpose, and that the applicant has or is provided with adequate training and experience and is provided with a competent professional staff, and that the license should be granted, it shall thereupon issue its written certificate to such applicant certifying that it is duly licensed as a private institution for the care, custody and treatment of persons mentally ill. The Department shall, from time to time, examine and ascertain whether a licensed private institution is conducted in compliance with the conditions of the license, the requirements of its rules and regulations and of this Act. The application for a license may be refused, or any license granted may be revoked or suspended after five (5) days' notice and opportunity for hearing given, a record being made of the proceeding upon such hearing, by the Department upon a determination by the Department that the interest of the patients of the institution so demand. The determination of the Department that an application for license shall be refused, or a license revoked or suspended shall be in the form of an order to that effect, which order shall be in writing, shall state the grounds for such refusal, revocation, or suspension, and shall be signed by the Director of the Department. The order shall be noted upon a register maintained by the Department for that purpose. Each license under this Act, unless previously terminated, shall expire on the 30th day of June in each year. A fee of twenty-five dollars ($25.00) shall be charged for each renewal of a license.

Whenever, under this Act, the Department is authorized to conduct a hearing, it may request the applicant for a license, or the licensee, to give in detail and under oath such information as may be necessary to determine whether or not an applicant should be licensed or a license revoked or suspended, and the Department may, in such cases, investigate and examine into the business and affairs of such private institution, administer oaths and by subpoena or other notice require persons to appear, submit to examination under oath, and to produce books, records and other documents at such proceedings pertinent to and reasonably required to determine whether or not an applicant should be licensed, or a license revoked or suspended. Any Circuit Court of this State or any judge thereof, upon the application of the Department may compel the attendance of witnesses, the production of books, papers and documents and the giving of testimony before the Department by an attachment for contempt or otherwise in the same manner as production of evidence may be compelled by said Court.

The fees of witnesses subpoenaed for attendance and travel shall be the same as fees for witnesses before the circuit courts of this State, such fees to be paid when the witness is excused from further attendance, provided such witness is subpoenaed at the instance of the Department. The disbursements made in payment of such fees shall be audited and paid in the same manner as other expenses of the Department. Whenever a subpoena is issued at the instance of a complainant or defendant, the Department may require that the cost of service thereof and the fee of the witness shall be borne by the party at whose instance the witness is summoned, and the Department may require a deposit to cover the cost of such service and witness fees and the payment of the legal witness fee and mileage to the witness when served with subpoena. A subpoena issued under this Act shall be served in the same manner as a subpoena issued out of a court of record.

Whenever the Department refuses to grant, or revokes or suspends a license, the private institution aggrieved may, within thirty (30) days from the entry of the order of the Department, file a petition in the circuit court of Sangamon County, or in the Circuit or Superior Courts of Cook County, against the Department, officially, as defendant, to review its action, alleging therein, under oath, in brief detail, the right of the petitioner to operate a licensed private institution for the care and treatment of persons mentally ill, and praying that the Department be required to grant, or to

reinstate such license, as the case may be. Pending such review, the order of the Department shall remain in full force and effect.

If, upon a hearing, the Court shall find upon consideration of the record of the proceedings before the Department, and other pertinent evidence, that the Department wrongfully determined that the license should be refused, revoked or suspended, and that the petitioner is entitled to the benefits of and has complied with the provisions of this Act and the rules and regulations of the Department, the court may order the Department to grant or to reinstate such license. Merely technical irregularities in the procedure of the Department shall be disregarded. The burden of proof on all questions in controversy shall rest upon the petitioner.

Either party to such suit shall have the right to prosecute an appeal from the order or judgment of the court.

22. § 22. **Powers of Department of Public Welfare—Rules.]** The Department may prescribe and publish all needful rules and regulations, and from time to time alter, amend and supplement such rules and regulations, relating to the general administration of this Act and to the transportation, custody, care and treatment, and the discharge of persons mentally ill ar allegedly mentally ill; provided, that any party affected adversely by any order or ruling of the Department shall have a right to review as provided in Section 21. Pending final decision on such review, the acts, orders and rulings of the Department shall remain in full force and effect unless modified or suspended by order of court, pending final judicial decision thereon.

The Department shall prescribe, publish and furnish forms for all applications, statements or other documents required by this Act, or the rules and regulations prescribed by the Department, and all such applications, statements or documents shall follow substantially the form so prescribed.

23. § 23. **Penalty for any violation of this Act.]** Any person who shall conspire to commit any person to any hospital or institution for the mentally ill unlawfully or improperly, or any person who shall receive or detain any mentally ill person contrary to the provisions of this Act, or any person who shall maltreat any mentally ill person, or any person who shall violate any provision contained in this Act or any rule or regulation of the Department of Public Welfare hereunder, shall be guilty of a misdemeanor, and, upon conviction, shall be fined not less than $50 nor more than $1000, or imprisoned not exceeding six months, or both.

24. § 24. **Appeals.]** An appeal from any order, judgment or decree of a county court made in the proceedings provided for by this Act may be taken by any person who considers himself aggrieved to the Circuit Court, by the filing in, and the approval by, the County Court of an appeal bond and the payment of the costs and fees of the appeal. The bond shall be filed and approved and the fees and costs paid within twenty days from the entry of the order, judgment or decree appealed from, or such further time, not to exceed sixty days after the entry of the order, judgment or decree appealed from, as the County Court may allow on application made within the twenty days. The bond shall be in such amount as the County Court may direct; the condition of the bond shall be as is directed by the County Court. On payment of his fees therefor and the costs of filing the proceeding in the Circuit Court, it is the duty of the Clerk of the County Court to prepare a transcript of the record and within thirty days after the bond is approved to file the transcript with the clerk of the Circuit Court. The failure of the clerk of the County Court to do so shall not affect the validity of the appeal. Upon an appeal to the Circuit Court the cause shall be tried de novo. An appeal may be taken from the Circuit Court as in other civil cases.

Appeals from final judgments or orders of any court other than a county court made in the proceedings provided for by this Act, may be taken by any person who considers himself aggrieved to the Appellate Court of this State, in the same manner as in other civil cases in courts of record, except that no appeal may be taken after sixty days from the entry of the final judgment order.

25. § 25. **Restoration of civil rights.]** Whenever notice shall have been given to the judge of any court wherein an order has been entered adjudging any person mentally ill and ordering such person admitted to an institution that such person has been discharged recovered, or has been discharged as having been found to be without mental illness, upon receipt of such notice, signed by the superintendent of such institution, the judge shall enter an order restoring such person to all his rights as a citizen. At any time subsequent to the discharge not cured of any

patient, the judge of the county court may hear evidence tending to show that the patient has recovered from his mental illness and, if satisfied of his recovery, may make and order a similar order, and thereafter the patient shall not again be committed to any hospital for the mentally ill without a new proceeding in his case.

In addition to the remedy of habeas corpus provided in Section 26, a person who has been adjudged mentally ill under Section 5 and admitted to an institution for the care and treatment of persons mentally ill, or given into the custody of a person in lieu of admission to an institution as authorized by said Section 5, may have the question of his restoration to competency adjudicated by the county court of the county in which he was originally adjudicated mentally ill in the manner herein set forth. Such person so adjudicated mentally ill or any person authorized by Section 5 to apply for admission of a person alleged to be mentally ill to an institution may file a verified petition in the proper county court as herein provided containing a statement of facts relative to the recovery of the patient concerned, which petition shall be supported by the certificates of two physicians neither of whom shall be related to the patient by blood or marriage. Upon the filing of such petition and certificates reasonable notice thereof shall be given to the superintendent of the institution in which the person is confined, or to the person in whose custody he has been placed, as the case may be. The procedure for determination of the question of the patient's recovery shall be the same as provided in Section 5, and, upon request as provided in said Section 5, a jury inquest shall be had. If the court or jury, as the case may be, determines that the patient has recovered from his mental illness, an order to that effect shall be entered by the court and the patient shall be discharged. An order shall also be entered as hereinabove provided restoring such person to all his rights as a citizen. If it is determined, however, that the patient is still mentally ill, the court shall so find and thereafter no petition may be filed under this section except upon leave of the county court.

26. § 26. **Habeas Corpus.]** Every person confined as mentally ill shall be entitled to the benefit of the writ of habeas corpus, and the question of his mental illness shall be decided at the hearing, and if the court decides that the person is mentally ill such decision shall be no bar to the issuing of other writs whenever it shall be alleged that such person has recovered; and if the person is adjudged not mentally ill, on presentation of a certified copy of said judgment to the county court where the commitment order was entered, such court shall rescind and set aside the judgment of commitment.

27. § 27. **Short title.]** This Act shall be known as the "Mental Health Act" and may hereafter be referred to by that designation.

(*Ill. Rev. Stat.* 1943; Chap. 91½, Sec. 1—27.)

AN ACT to require superintendents of hospitals for the insane to make reports to the county clerks of the various counties in this State. Approved June 8, 1887.

101. Superintendent to furnish with list of insane.] § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*: That each superintendent of any hospital for the insane in this State, shall hereafter, on the first day of January and July of each year, furnish the clerk of the county court of the proper county thereof, with a full and complete list of all insane patients confined in said hospital from said county, stating the date of admission of each, whether said patients be paupers, the present physical and mental condition of each; also giving the names of such as may have died or been discharged since last report, with date of such death or discharge.

102. Penalty.] § 2 Any such superintendent failing to comply with the foregoing section shall be liable to a fine of one hundred dollars for each failure, to be collected by suit, before a justice of the peace of the county court, or other person having relatives or friends confined in said hospital.

(*Ill. Rev. Stat.* 1943; Chap. 91½, Sec. 101—102.)

AN ACT making additional provision for the insane and appropriating moneys therefor; also providing for the assignment to the several counties of quotas in the State Hospitals for the Insane and for the collection of moneys due to said hospitals from said counties; also repealing an act entitled "An act to secure equality among the counties in the matter of admission of patients into the State Hospitals for the Insane, and to provide for the transfer of patients from one hospital to another

and for settlement with such hospitals by the counties and to repeal former acts upon the same subject," approved May 28, 1881. Approved June 1, 1889.

(§§1, 2, 3 and 4, appropriations and plans, omitted.)

72, 73. §§ 5, 6. Repealed by act filed July 13, 1939.

74. County board to make settlement for pauper patients.] § 7. The county board or board of supervisors as the case may be, of any county from which there are or hereafter may be patients committed as paupers to any of the State hospitals for the insane is hereby directed and required to make settlement in full as often as once in every six months, for all just charges for clothing and other proper incidental expenses, and to pay the amount due said hospitals in money or negotiable paper worth its face without discount. In case any county shall fail or refuse to pay any just and reasonable accounts presented by any of the State hospitals for the insane, and the same shall remain unpaid for one year after it is due, then the trustees of said hospital shall apply to the Circuit Court in and for said delinquent county for a writ of mandamus upon the county treasurer of said county requiring him to pay the said overdue account, and upon proof made of the justice of such claim, the Circuit Court shall issue such writ.

75—103. Repealed by act approved July 8, 1931.

(*Ill. Rev. Stat.* 1943; Chap. 23, Sec. 72—103.)

In addition to the provisions for licensing found in Section 21 of the Mental Health Act, further reference to the licensing powers of the Department of Public Welfare will be found in Section 28 of "An Act to revise the laws relating to charities." (See page 79 of this publication.)

License and Supervision of Institutions Treating Mental and Nervous Conditions

The licensing and supervision of sanitariums and rest homes for persons with mental illness or defect is vested in the Division of the Alienist of the Department of Public Welfare. Institutions or schools for the feebleminded are subject to the same regulations as rest homes.

Quoted below are the regulations prepared by the Division of the Alienist for licensing sanitariums and rest homes.

Private institutions to care for patients with mental or nervous illness shall be divided into two groups: 1. *Sanitariums* and 2. *Rest Homes*.

Sanitariums

(a) Definition. For the care and treatment of persons suffering from any form of mental illness as defined in Section 1 of the Illinois Mental Health Act.

(b) Conditions for Licensure. In considering an application for license attenttion will be paid to the adequacy of the following:

(1) Physical Plant:

(i) Buildings—floor space; furnishings; state of repair.
(ii) Heating and ventilation.
(iii) Relation to surrounding property—zoning ordinances, etc.
(iv) Fire prevention.
(v) Protection of patients from injury—windows, radiators, etc.
(vi) Bathing and toilet facilities.
(vii) Food preparation and distribution.
(viii) Accommodation for personnel.

(2) Medical Equipment:

(i) Hydrotherapy equipment — continuous tubs: pack equipment; stimulating equipment.
(ii) Clinical laboratory facilities.
(iii) Emergency hospital facilities.
(iv) Occupational and recreational facilities.

(3) Personnel:

(i) A duly licensed physician who shall reside on the premises.
(ii) A graduate registered nurse, who has had psychiatric experience, in charge of the nursing service.
(iii) A sufficient number of nurses and attendants.
(iv) An adequate nonmedical personnel.

(4) Operation:

(i) Adequate medical records shall be kept. For sanitariums these should include:
1. Medical history and results of examinations; mental, physical and laboratory.
2. Progress in the sanitarium.
3. Report of therapy used.
4. Reports of consultants.
5. Restraint orders as provided by Statute, previously quoted.

(ii) Accidents shall be reported to the Department within three days of their occurrence.

(iii) Mechanical restraint shall not be applied to a patient except on the written order of a physician. This written order shall not be valid for a period longer than twenty-four hours.

Rest Homes

(a) Definition. For the custodial care of patients with chronic mental illness *who are not in need of active medical treatment.*

(b) Conditions for Licensure. In granting a license attention will be paid to the adequacy of:

(1) Physical Plant:

(i) Buildings—floor space; furnishings; state of repair.
(ii) Relation to surrounding property—zoning ordinances, etc.
(iii) Heating and ventilation.
(iv) Fire prevention.
(v) Protection of patients from injury—windows, radiators, etc.
(vi) Bathing and toilet facilities.
(vii) Food preparation and distribution.
(viii) Accommodation for personnel.
(ix) Occupational and recreational facilities.

(2) Personnel:

(i) A physician *available for call,* who makes visits at regular intervals when he shall see all patients who are not under the care of an attending physician.
(ii) A *trained* nurse in charge of the nursing personnel.
(iii) A sufficient number of nurses and attendants.
(iv) A sufficient nonmedical personnel.

(3) Operation:

(i) Adequate records shall be kept. For Rest Homes these shall include:
1. Adequate identifying information.
2. Physicians' diagnoses and recommendations.
3. Records of physicians' visits and observations of patients.

(ii) Accidents shall be reported to the Department within three days of their occurrence.

(iii) No mechanical restraint shall be used. Patients needing mechanical restraint shall not be kept in Rest Homes.

(iv) The name of a Rest Home shall not include the word "Sanitarium."

SOCIALLY OR EMOTIONALLY MALADJUSTED CHILDREN

The Illinois statutes contain many other provisions which are not among those listed below but which relate, to a certain degree, to juvenile delinquency. Included here are those enactments providing for services or facilities for delinquent and pre-delinquent children. Other provisions, which are concerned with adults in their relations to juvenile delinquency, are omitted.

Institute for Juvenile Research

The Institute for Juvenile Research has been in operation since March, 1909, and was established as a division of the Department of Public Welfare by the Sixty-second General Assembly. It was the first child guidance clinic and had been officially a unit within the Division of the Criminologist. The Institute carries on an extensive teaching and research program in addition to diagnosis and treatment of juvenile delinquents and other types of children with behavior problems. It is used by many public and private agencies for the psychological and psychiatric diagnosis of children who are delinquent, mentally ill, mentally defective, or socially maladjusted. The appropriation to the Institute for the 1943-45 biennium was $526,786.

AN ACT in relation to the establishment in the Department of Public Welfare of a Division to be known as the Institute for Juvenile Research and to define its powers and duties. Approved July 16, 1941.

220e. Institute for Juvenile Research created as Division of Department of Public Welfare.] § 1. There is established under the authority and supervision of the Department of Public Welfare a Division to be known as the Institute for Juvenile Research. Upon the taking effect of this Act, the Director of the Department of Public Welfare shall appoint a qualified person as Superintendent of said Division, and such other employees and assistants as may be necessary to provide a proper administration of this Act.

220f. Duties of Institute of Juvenile Research.] § 2. The division herein created shall conduct scientific studies, diagnose and promote the treatment of children who are delinquent, mentally ill, mentally defective or socially maladjusted, or who are in danger of becoming so, to the end that delinquency, crime, mental disorders and other forms of human maladjustment may be prevented. In the administration of this Act, the Division shall make personal examination and social studies of such children and shall make its services and treatment available to children in the custody or under the control of the Department of Public Welfare, or of any court, school, public or private social agency or parent or guardian.

(*Ill. Rev. Stat.* 1943; Chap. 23, Sec. 220e-220f.)

State Training School for Girls

The State Training School for Girls at Geneva offers academic training at the elementary and high school levels, and vocational training in beauty culture as well as music, recreational, and gardening activities. Parolees from the school are supervised by the Division of Rehabilitation of Women and Girls of the Department of Public Welfare. On December 31, 1943, the population of the school was 293.

AN ACT to provide for a State Home for Juvenile Female Offenders. Approved June 22, 1893.

252—253. §§ 1, 2. Repealed by act filed July 13, 1939.

254. Establishment—Object.] § 3. The Department of Public Welfare may establish and maintain a "State Home for Juvenile Female Offenders," whose object shall be the maintenance, discipline and reformation of girls committed thereto. As amended by act approved June 3, 1943.

225—266. §§ 4—15. Repealed by act filed July 13, 1939.

267. Commitment.] § 16 Any girl between the ages of ten and eighteen years may be sentenced and committed, under "An Act to revise the law in relation to the fixing of the punishment and the sentence and commitment of persons convicted of crime or offences, and providing for a system of parole", approved June 25, 1917, as the same has been or may be amended, to the "State Training School for Girls" the same being the "State Home for Juvenile Female Offenders," for any and all crimes or offenses instead of the penitentiary, county jail, or house of correction, in the discretion of the court, subject to all the terms of said Act. As amended by act approved July 16, 1943.

268. Who subject to commitment.] § 17. Whenever any girl between the ages of ten and eighteen years is charged with or found guilty of the violation of any statute, law or city ordinance before any justice of the peace, police magistrate, examining magistrate or court, if any credible person, a resident of the county, shall file a petition in any court of record in such county, setting forth the offense charged and that such girl is a vagrant or without a proper home or means of subsistence, or lives with or frequents the company of reputed thieves or other vicious persons, or is or has been in a house of ill-fame, prison or poor house, or setting forth and showing any other facts of a similar nature, showing that it will be for the interest of such girl and the public that she should be sent to said State Home for Juvenile Female Offenders, the court may, if in the opinion of the judge, said State Home for Juvenile Female Offenders, is a proper place for such girl, cause such girl to be brought before it and cause a jury of six competent persons to be impaneled for the trial of the case, and if the jury shall return their verdict that the facts set forth in the petition are proved, the court may commit such girl to said State Home for Juvenile Female Offenders for a term not less than one year nor beyond the age of twenty-one years. For purposes of convenience the said reformatory may, in all legal proceedings, contracts and papers of every kind, be designated as a "State Training School for Girls," and such designation shall be taken and held to have the same legal effect as if the name "State Home for Juvenile Female Offenders" were used therein. As amended by act approved May 10, 1901.

(§ 18. Repealed.)

269. Fees.] § 19. In all cases under this Act the fees chargeable shall be the same as in like service in other cases, and shall be chargeable to and paid by the proper county; and the fees for conveying a juvenile offender to the State Home for Juvenile Female Offenders shall be the same, and paid in the same manner, as the fees paid for conveying juvenile offenders to the State Reform School at Pontiac, in this State.

270. No imbecile or idiot to be admitted.] § 20. No imbecile, or idiotic girl, shall be committed or received into the State Home for Juvenile Female Offenders.

271. Discharge.] § 21. Any girl committed under the provisions of this Act may be discharged from custody at any time by the Governor or by the Department of Public Welfare, when in his or its judgment the good of the girl or the home will be promoted thereby. As amended by act approved June 3, 1943.

272. Time for good behavior.] § 22. Any girl so committed shall, by good behavior, earn and be credited with time as follows, to-wit: each month in the first year, five days; each month in the second year, six days; each month in the third year, seven days; each month in the fourth year, eight days; each month thereafter nine days. A girl, for misconduct or violation of the rules of the home, shall be liable to forfeit five days of the good time placed to her credit. The Department of Public Welfare shall release a girl from the home as many days before the expiration of her sentence as she has balance of good days to her credit. As amended by act approved June 3, 1943.

(§ 23. Repealed.)

273. § 24. Repealed by act approved June 3, 1943.

274. Supervision.] § 25. The Department of Public Welfare in the interests of unfortunate girls in this State, may appoint one or more suitable persons to serve without compensation in each county to have a supervising care over all girls in their respective counties who come within this Act, and to aid the Department in providing suitable homes for girls committed to the State Home. As amended by act approved June 3, 1943.

275. Exclusive control of inmates.] § 26. The Department of Public Welfare shall receive into said home all girls committed thereto under this Act, and shall have the exclusive custody, care and guardianship of such girls. It shall provide for their support and comfort, instruct them in such branches of useful knowledge as are suited to their years and capacities, and shall teach them domestic vocations, such as sewing, knitting and housekeeping in all its departments. For the purpose of their education and training, and that they may assist in their own support, they shall be required to pursue such tasks suitable to their years as are prescribed by the Department and, avoiding sectarianism, suitable provisions shall be made for their moral and religious instruction. As amended by act approved June 3, 1943.

276. When girls may be placed in homes—Adoption.] § 27. The Department of Public Welfare may place any girl committed under this Act in the home of any good citizen upon such terms and for such purpose as may be agreed upon, or she may be given to any suitable person of good character who will adopt her. Any disposition made of any girl under this section shall not bind her beyond her minority. The Department shall have a supervision care of such girl to see that she is properly treated and cared for; and, in case such girl is cruelly treated, or is neglected, or the terms upon which she was committed to the care and protection of any person are not observed, or in case such care and protection shall for any reason cease, the Department shall receive such girl again into the custody, care and protection of the home. As amended by act approved June 3, 1943.

277. Discharge.] § 28. Upon the discharge of any girl from the State home the Department of Public Welfare shall provide her with suitable clothing and five dollars in money, and procure transportation to her home, if she has one in this State, or to the county from which she was sent, at her option. As amended by act approved June 3, 1943.

278. Commitment from U. S. court.] § 28a. Any girl under the age of eighteen (18) years who is a resident of this State and who is under sentence of imprisonment as a result of being convicted of an offense against the United States in any court of the United States sitting in this State, may be committed to and confined in the State Training School for Girls until such sentence is executed, or until duly discharged by the United States, but no person who would be more than twenty-one (21) years of age upon the completion of the sentence of imprisonment imposed upon her shall be committed to the State Training School for Girls. The expense of supporting and caring for any person so committed to the State Training School for Girls shall be borne by the United States. Any person so committed shall be cared for, educated and disciplined in the same manner as other inmates in the State Training School for Girls are cared for, educated and disciplined. The provisions of Sections 21, 22, 27 and 28 of this Act shall not apply to any person committed under the provisions of this section. Added by act approved June 11, 1919.

§ 29. Repealed.]

(*Ill. Rev. Stat.* 1943, Chap. 23, Sec. 252-278.)

Home for Delinquent Boys

The Illinois State Training School for Boys, formerly the St. Charles School for Boys, is under the supervision of the Division of Charities of the Department of Public Welfare. The population of the school on December 31, 1943, was 571, of whom 47 were classified as felons and 524 as juvenile delinquents.

In 1939 the General Assembly provided for the acquisition of a site for and the construction of an addition to the school. This branch, located at Sheridan, was opened in the autumn of 1942 to admit boys who do not benefit from the program offered at the St. Charles Branch. All commitments by the courts continue to be made directly to the training school, and transfer to the Sheridan branch is made only after careful observation and study of the individual case.

AN ACT in relation to a home for dependent, neglected and delinquent boys. Approved May 10, 1901. Title as amended by act approved July 22, 1939.

221, 222. §§ 1, 2. Repealed by act filed July 13, 1939.

223. Name.] § 3. The name of said home shall be the Illinois State Training School for Boys. As amended by act approved July 22, 1939. (This section was also repealed at the same session of the General Assembly by act filed July 13, 1939.)

224—229. §§ 4—9. Repealed by act filed July 13, 1939.

230. Appointment and removal of Superintendent.] § 10. The Department of Public Welfare shall appoint a general Superintendent, and may remove him for cause stated, first having given such officer a copy of the charges against him and reasonable notice of the time and place when the charges will be heard, and an opportunity to defend himself. As amended by act approved June 3, 1943.

232. Examination of Teachers.] § 12. No person shall be employed as teacher who has not passed such examinations as are required for like teaching in the public schools, and who has not a valid certificate of such examination. As amended by act approved June 3, 1943.

233. § 13. Repealed by act filed July 13, 1939.

234. Gifts, donations, etc.] § 14. The Department of Public Welfare may, from time to time, accept, hold and use, for the benefit of the home or inmates thereof, any gift, donation, bequest or devise of money or real or personal property, and may agree to and perform all conditions of the gift, donation, bequest or devise, not contrary to law. As amended by act approved June 3, 1943.

235. Commitment of dependent boy, etc.] § 15. Any court acting under and in pursuance of an act entitled "An Act relating to children who are now or may hereafter become dependent, neglected or delinquent, to define these terms, and to provide for the treatment, control, maintenance, adoption and guardianship of the persons of such children", approved April 21, 1899, or any amendment thereto, may commit any boy coming within the terms of said act, to the said home upon the terms contained in said Act. As amended by act approved July 22, 1939.

235a. History of case—Transmission to Department—Segregation.] § 15a. Such courts shall transmit to the Department of Public Welfare, with each commitment, a complete history of the case and a positive verification of age of the boy so committed. The Department of Public Welfare may classify and segregate boys so committed in accordance with such case history and age. Added by act approved July 22, 1939.

236. Rules and regulations.] § 16. The Department of Public Welfare shall establish rules and regulations for the management of the home and the management, education and employment of the inmates thereof, it being intended that they shall, as far as possible, be given a common school education and be learned and practiced in such trades and employments, including agriculture and horticulture, as shall fit them for the ordinary employments of life, and suited as far as may be, to their capacities and disposition. As amended by act approved June 3, 1943.

237. Placing out or returning home.] § 17. The Department of Public Welfare shall also make regulations for the placing in homes and placing in employment, or returning to his own home, if suitable, of such inmates of such home as may safely and consistently with the public good and the good of the boy be so placed out, or returned to his own home; it being the intention of this Act that no dependent, neglected or delinquent boy should be kept in such home who can properly be placed out, or returned home, longer than may be reasonably necessary to prepare him for such placing out. Any boy placed out may, for good reasons, be returned to said home. As amended by act approved July 21, 1941.

238. Who may be committed—Eligibility for release.] § 17½. Any male person between the ages of ten and nineteen years may be sentenced and committed under "An Act to revise the law in relation to the fixing of the punishment and the sentence and commitment of persons convicted of crime or offenses, and providing for a system of parole," approved June 25, 1917, as the same has been or may be amended, to the "Illinois State Training School for Boys," for any and all crimes or offenses instead of the penitentiary or county jail, in the discretion of the court, subject to all the terms of said Act. Any person so committed to the "Illinois State Training School for Boys" under the Act hereinabove cited shall be eligible for the institutional release of inmates provided for in the preceding Section 17 of this Act. As amended by act approved July 16, 1943.

239. § 17a. Repealed by act approved July 22, 1939.

240. Type of building—Size.] § 18. All buildings to be occupied by officers and boys shall be upon the cottage plan, and in plain, inexpensive style. No building for the occupation of boys shall contain more than forty (40) boys, with such manager or teacher and his family as shall be in charge of the same, and such cottages shall be erected only so fast as they may be required for the accommodation of the boys committed to such home. Suitable dining hall or rooms, chapel, and other necessary buildings may be provided. If an administration building is erected, it shall be of the same general character as the cottages. As amended by act approved June 3, 1943.

241—246. §§ 19—24. Repealed by act filed July 13, 1939.

(*Ill. Rev. Stat.* 1943; Chap. 23, Sec. 221—246.)

The Cook County Home for Dependent and Delinquent Children and the Peoria County Detention Home are two detention homes established in Illinois under the provisions of the following act.

County Detention Homes

AN ACT to authorize county authorities to establish and maintain a detention home for the temporary care and custody of dependent, delinquent or truant children, and to levy and collect a tax to pay the cost of its establishment and maintenance. Approved May 13, 1907.

304. Establishment and maintenance of detention home.] § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*: That the board of county commissioners, or the board of supervisors, as the case may be, in any county in this State, shall have the power and authority to locate, purchase, erect, lease, or otherwise provide and establish and also to support and maintain a detention home for the temporary care and custody of dependent, delinquent or truant children, and to levy and collect a tax to pay the cost of its establishment and maintenance in accordance with the terms and provisions of this Act: Provided, this Act be adopted by the legal voters of such county, as hereinafter provided.

305. Conduct of home—Qualification of employes.] § 2. Such detention home shall be so arranged, furnished and conducted, that, as near as practicable for their safe custody, the inmates thereof shall be cared for as in a family home and public school. To this end the employees provided for and selected to control and manage such home shall consist of a discreet woman of good moral character or a man and woman of good moral character, who shall be respectively designated as "superintendent" and "matron" of the detention home, and shall reside therein, and at least one of whom shall be competent to teach and instruct children in branches of education similar to those embraced in the curriculum of the public schools of the county up to and including the eighth grade, and such help or assistance as in the opinion of the county commissioners, or board of supervisors, as the case may be, shall deem necessary to the proper care and maintenance of such home. Such home shall be supplied with all necessary and convenient facilities for the care of the inmates as herein provided.

306. Superintendent and matron—Employes.] § 3. The superintendent and matron shall be designated and appointed by the county judge, to serve during his pleasure, and shall receive such salary, payable in monthly installments, as the board of supervisors, or board of commissioners, as the case may [be] shall provide and fix; such appointments to be approved by a majority vote of the county board of [or] county commissioners, as the case may be, at the next meeting after such appointment, and if such appointment be not confirmed, the appointees shall receive no compensation from the county for services rendered after his or her appointment is disapproved. All other necessary employes for the conduct, care and maintenance of said home shall be selected, named, appointed and confirmed in like manner, upon such salaries as shall be fixed and approved by the county commissioners, or board of supervisors of the county, as the case may be. The supplies or repairs necessary to maintain, operate and conduct said home, shall be furnished upon the requisition of its superintendent to the chairman of such committee as may be designated by the county commissioners, or board of supervisors, of the county, as the case may be, and the bills therefor shall be audited, passed upon and paid as other bills for supplies furnished for county institutions.

307. Duty of superintendent and matron—Record—Report.] § 4. It shall be the duty of the superintendent or matron to receive and detain temporarily all children

who are committed to the home by the court, until further order of the court of said home, to keep a complete record of all children committed thereto, which record shall contain the name, residence, address, and age of each child, and the cause or reason of its detention, the length of time detained, the offense alleged to have been committed by such child, if any, and other useful data or information that may be directed to be kept by the county judge of such county. A record shall also be kept by such superintendent of all expenditures made by the county for the care and maintenance of such home. An annual report to the county commissioners or board of supervisors, as the case may be, shall be made to December 1st in each year by the superintendent, and he shall file a copy thereot with the county clerk of the county, which shall contain an itemized statement of all such expenses necessary to maintain such home, together with the number of inmates therein during each month. The county commissioners or board of supervisors, as the case may be, or the county judge of said county may at any time, demand, in which case it shall be the duty of the superintendent to furnish, such information as said county commissioners, or board of supervisors, as [or] county judge may require concerning the conduct, maintenance or inmates of the home.

308. Tax levy by county board—Referendum.] § 5. The board of county commissioners or the board of supervisors, as the case may be, of any county, shall have the power and authority, in addition to taxes levied and collected for other county purposes, and in addition to the twenty-five (25) cents per $100.00 valuation limit of taxation, now provided for county purposes, to annually levy and collect a tax not exceeding one-third (⅓) of one mill on the dollar valuation upon all property within the county for the purpose of purchasing, erecting, leasing or otherwise providing, establishing, supporting and maintaining such detention home: Provided, this Act shall be adopted and the levy and collection of such tax authorized by the legal voters of the county in the manner provided by Section 6 of this Act. As amended by act approved July 7, 1927.

309. Proceedings for adopting act.] § 6. The electors of any county may adopt this Act in the following manner: Whenever the legal voters of such county to the number of 25 per cent of the votes cast at the last general election shall petition the county judge of such county not less than 30 days before any general election in such county to submit the proposition whether or not the electors shall adopt this Act, it shall be the duty of the county judge to submit such proposition at the next general election. The proposition so to be voted for shall be on a separate ballot in plain prominent type, and be prepared and provided for that purpose in the same manner as other ballots.

For adoption of the Act to authorize county authorities to establish and maintain a detention home for dependent, delinquent or truant children, and to levy and collect a tax of not exceeding one-third (⅓) of one mill on the dollar valuation to pay the cost of its establishment and maintenance.	YES	
	NO	

If the majority of the votes cast for and against such proposition shall be for such proposition the Act shall be adopted, and the county judge shall enter of record an order declaring this Act in force in such county, and the tax provided for in the Act shall thereafter be annually levied and collected in such county for the purposes specified in this Act, until such time as the legal voters of the county shall abandon this Act in manner provided in Section 7 of this Act. As amended by act approved July 7, 1927.

310. Proceedings to abandon act.] § 7. The electors of any county which shall have adopted this Act as provided by Section 6 thereof, may abandon and repeal this Act in the following manner: Whenever the legal voters of such county, to the number of twenty-five per cent of the votes cast at the last general election in such county, shall petition the county judge not less than 30 days before any general election to submit the proposition whether or not the electors of such county shall abandon this Act, it shall be the duty of the county judge to submit such proposition at the next general election. The proposition so to be voted for shall be on a separate ballot in plain prominent type, and be prepared and provided for that purpose in the same manner as other ballots.

To abandon an act to authorize county authorities to establish and maintain a detention home for dependent, delinquent or truant children; and to discontinue the levy and collection of a tax of not exceeding one-third (⅓) of one mill on the dollar valuation to pay the cost of establishment and maintenance.	YES	
	NO	

If a majority of the votes cast for and against such proposition shall be for such proposition to abandon this Act, the Act shall be deemed abandoned and the county judge shall enter of record an order declaring this Act abandoned in such county. As amended by act approved July 7, 1927.

311. Jurisdiction to commit to home.] § 8. Any court acting under and in pursuance of an Act entitled "An Act to regulate the treatment and control of dependent, neglected and delinquent children," approved April 21, 1899, or any amendments thereto, may commit any child coming within the terms of said Act to said home temporarily.

(*Ill. Rev. Stat.* 1943; Chap. 23, Sec. 304-311.)

In addition to defining dependent, neglected, and delinquent children, the following laws provide for the court's jurisdiction over them, for the supervision of associations rendering them service, and for other protective measures.

Neglected and Delinquent Children

AN ACT relating to children who are now or may hereafter become dependent, neglected or delinquent, to define these terms, and to provide for the treatment, control, maintenance, adoption and guardianship of the persons of such children. Approved April 21, 1899. Title as amended by act approved June 4, 1907.

190. Persons under 21 wards of state—Definitions—Disposition of child as evidence—Subsequent application for probation.] § 1. (1) All persons under the age of twenty-one (21) years, shall, for the purpose of this Act only, be considered wards of this State and their persons shall be subject to the care, guardianship and control of the court as hereinafter provided.

For the purpose of this Act, the words, "dependent child" and "neglected child" shall mean any male child who while under the age of seventeen years or any female child who while under the age of eighteen years, for any reason, is destitute, homeless or abandoned; or dependent upon the public for support; or has not proper parental care or guardianship; or habitually begs or receives alms; or is found living in any house of ill-fame or with any vicious or disreputable person; or has a home which by reason of neglect, cruelty or depravity, on the part of its parents, guardian or any other person in whose care it may be, is an unfit place for such a child; and any child who while under the age of ten (10) years is found begging, peddling or selling any articles or singing or playing any musical instrument for gain upon the street or giving any public entertainments or accompanies or is used in aid of any person so doing.

The words "delinquent child" shall mean any male child who while under the age of seventeen years or any female child who while under the age of eighteen years, violates any law of this State; or is incorrigible, or knowingly associates with thieves, vicious or immoral persons; or without just cause and without the consent of its parents, guardian or custodian absents itself from its home or place of abode, or is growing up in idleness or crime; or knowingly frequents a house of ill-repute; or knowingly frequents any policy shop or place where any gaming device is operated; or frequents any saloon or dram shop where intoxicating liquors are sold; or patronizes or visits any public pool room or bucket shop; or wanders about the streets in the night time without being on any lawful business or lawful occupation; or habitually wanders about any railroad yards or tracks or jumps or attempts to jump onto any moving train; or enters any car or engine without lawful authority; or uses vile, obscene, vulgar, profane or indecent language in any public place or about any school house; or is guilty of indecent or lascivious conduct; any child committing any of these acts herein mentioned shall be deemed a delinquent child and shall be cared for as such in the manner hereinafter provided.

A disposition of any child under this Act or any evidence given in such cause, shall not, in any civil, criminal or other cause or proceeding whatever in any court, be lawful

or proper evidence against such child for any purpose whatever, except in subsequent cases against the same child under this Act. Provided, however, that wherever a child who has been found to be delinquent by the decree of such court, shall subsequently be convicted of a felony in any court of record, State or Federal, and upon such conviction shall file or cause to be filed a motion for release on probation, the court before which such conviction has been entered may, in passing upon the application for probation so filed, examine the records of disposition or evidence which were made in the Juvenile Court, upon the written request by the court to such Juvenile Court. The word "child" or "children" may be held to mean one or more children, and the word parent or parents may be held to mean one or both parents, when consistent with the intent of this Act. The word "association" shall include any association, institution or corporation which include in their purposes the care or disposition of children coming within the meaning of this Act. As amended by act approved July 1, 1941.

191. Jurisdiction of courts.] § 2. The circuit and county courts of the several counties in this State, shall have original jurisdiction in all cases coming within the terms of this Act. In all trials under this Act any person interested therein may demand a jury of six or the judge of his own motion may order a jury of the same number to try the case.

192. Designation of juvenile court.] § 3. In counties having over 500,000 population the judges of the circuit court shall, at such times as they shall determine, designate one or more of their number whose duty it shall be to hear all cases coming under this Act. A special court room, to be designated as the juvenile court room, shall be provided for the hearing of such cases, and the findings of the court shall be entered in a book or books to be kept for that purpose, and known as the "Juvenile Record," and the court may for convenience be called the "Juvenile Court."

193. Petition.] § 4. Any reputable person, being a resident of the county, may file with the clerk of the court having jurisdiction of the matter, a petition in writing, setting forth that a certain child, naming it, within his county, not now or hereafter an inmate of a State institution incorporated under the laws of this State, except as provided in section (s) 12 and 18 hereof, is either dependent, neglected or delinquent as defined in Section 1 hereof: and that it is for the interest of the child and this State that (the) child be taken from its parent, parents, custodian or guardian and placed under the guardianship of some suitable person to be appointed by the court; and that the parent, parents, custodian or guardian of such child, are unfit or improper guardians, or are unable or unwilling to care for, protect, train, educate, control or discipline such child, or that the parent, parents, guardian or custodian consent that such child be taken from them.

The petition shall also set forth, either the name, or that the name is unknown to petitioner (a) of the person having the custody of such child; and (b) of each of the parents or the surviving parent of a legitimate child or of the mother of an illegitimate child; or (c) if it allege that both such parents are or such mother is dead, then of the guardian, if any of such child; (d) if it allege that both such parents are or that such mother is dead and that no guardian of such child is known to petitioner, then of a near relative, or that none such is known to petitioner. The petition shall also state the residences of such parties so far as the same are known to such petitioner. All persons as named in such petition shall be made defendants by name and shall be notified of such proceedings by summons if residents of this State in the same manner as is now or may hereafter be required in chancery proceedings by the laws of this State except only as herein otherwise provided.

All persons, if any who or whose names are stated in the petition to be unknown to petitioner, shall be deemed and taken as defendants by the name or designation of "all whom it may concern." The petition shall be verified by affidavit, which affidavit shall be sufficient upon information and belief. Process shall be issued against all persons made parties by the designation of "all whom it may concern," by such description, and notice given by publication as is required in this Act shall be sufficient to authorize the court to hear and determine the suit as though the parties had been sued by their proper names. As amended by act approved June 4, 1907.

194. Summons.] § 5. The summons shall require the person alleged to have the custody of such child to appear with the child at that time and place stated in the summons; and shall also require all defendants to be and appear and answer the petition on the return day of the summons. The summons shall be made returnable at any time within twenty days after the date thereof and may be served by the sheriff or by any duly appointed probation officer, even though such officer be the

petitioner. The return of such summons with endorsement of service by the sheriff or by such probation officer in accordance herewith shall be sufficient proof thereof.

Whenever it shall appear from the petition or from affidavit filed in the cause that any named defendant resides or hath (has) gone out of the State, or on due inquiry cannot be found, or is concealed within this State or that his place of residence is unknown so that process cannot be served upon him, or whenever any person is made defendant under the name or designation of "all whom it may concern" the clerk shall cause publication to be made once in some newspaper of general circulation published in his country (county), and if there be none published in his country (county), then in a newspaper published in the nearest place to his country (county) in this State, which shall be substantially as follows:

A, B, C, D, etc. (Here giving the names of such named defendants, if any) and to "all whom it may concern" (if there be any defendant under such designation)

Take notice that on the.....day of.....A. D. 19.... a petition was filed by.....in the.....court of..... county to have a certain child, named.....declared a (dependent or delinquent) and to take from you the custody and guardianship of said child (and if the petition prays for the appointment of a guardian with power to consent to adoption, add and to give said child out for adoption.)

Now, unless you appear within twenty days after the date of this notice and show cause against such application, the petition shall be taken for confessed and a decree entered.

B. F., Clerk.

Dated (the date of publication).

and he shall also within ten days after the publication of such notice send a copy thereof by mail, addressed to such defendants whose place of residence is stated in the petition and who shall not have been served with summons. Notice given by publication as is required by this Act shall be the only publication notice required either in the case of residents, non-residents or otherwise. The certificate of the clerk that he has sent such notice in pursuance of this section shall be evidence thereof. Every defendent who shall be duly summoned shall be held to appear and answer either in writing or orally in open court on the return day of the summons or if such summons shall be served less than one day prior to the return day then on the following day. Every defendant who shall be notified by publication as herein provided shall be held to appear and answer either in writing or orally in open court within twenty days after the date of the publication notice. The answer shall have no greater weight as evidence than the petition. In default of an answer at the time or times herein specified or at such further time as by order of court may be granted to a defendant, the petition may be taken as confessed.

If a person having the custody or control of the child shall fail without reasonable cause to bring the child into court, he may be proceeded against as in case of contempt of court. In case the summons shall be returned not served upon the person having the custody or control of such child or such person fails to obey the same and in any case when it shall be made to appear to the court by affidavit, which may be on information and belief that such summons will be ineffectual, to secure the presence of the child, a warrant may issue on the order of the court either against the parents or either of them, or guardian or the person having the custody or control of the child or with whom the child may be or against the child itself to bring such person into court. On default of the custodian of the child or on his appearance or answer, or on the appearance in person of the child in court with or without the summons or other process and on the answer, default or appearance or written consent to the proceedings of the other defendants thereto or as soon thereafter as may be, the court shall proceed to hear evidence. The court may, in any case when the child is not represented by any person, appoint some suitable person to act on behalf of the child. At any time after the filing of the petition, and pending the final disposition of the case, the court may continue the hearing from time to time and may allow such child to remain in the possession of such custodian, or in its own home subject to the friendly visitation of a probation officer or it may order such child to be placed in the custody of a probation officer of the court, or of any other suitable person appointed by the court, or to be kept in some suitable place provided by the city or county authorities. As amended by act approved June 4, 1907.

195. Probation officers.] § 6. The court shall have authority to appoint or designate one or more discreet persons of good character to serve as probation officers during the pleasure of the court.

If more than one probation officer is appointed one shall be designated a chief probation officer. The person appointed chief probation officer shall have had experience in social welfare work equivalent to one year spent in active practical welfare work.

The probation officers so appointed shall be paid out of the county treasury, monthly, upon proper certification by the court such compensation as may be fixed by the county board.

It shall be the duty of the clerk of the court, if practicable, to notify the said probation officer in advance when any child is to be brought before the court; it shall be the duty of said probation officer to make such investigations as may be required by the court; to be present in court in order to represent the interests of the child when the case is heard; to furnish to the court such information and assistance as the judge may require; and to take such charge of any child before and after the trial as may be directed by the court.

Nothing herein contained, however, shall be held to limit or abridge the power of the judge or judges so designated under Section 3 of this Act to hear cases coming under this Act, to appoint persons or probation officers, when said judge or judges may see fit and who shall serve without pay for such services as probation officers. As amended by act approved June 13, 1939.

196. Dependent and neglected children.] § 7. If the court shall find any male child under the age of seventeen years or any female child under the age of eighteen years to be dependent or neglected within the meaning of this Act, the court may allow such child to remain at its own home subject to the friendly visitation of a probation officer, and if the parent, parents, guardian or custodian consent thereto, or if the court shall further find that the parent, parents, guardian or custodian of such child are unfit or improper guardians or are unable or unwilling to care for, protect, train, educate or discipline such child, and that it is for the interest of such child and the people of this State that such child be taken from the custody of its parents, custodian or guardian, the court may make an order appointing as guardian of the person of such child, some reputable citizen of good moral character and order such guardian to place such child in some suitable family home or other suitable place, which such guardian may provide for such child or the court may enter an order committing such child to some suitable State institution, organized for the care of dependent or neglected children, or to some training school or industrial school or to some association embracing in its objects the purpose of caring for or obtaining homes for neglected or dependnt children, which association shall have been accredited as hereinafter provided.

Whenever a child is committed under the terms of this Act to an association embracing in its objects the purpose of caring for or obtaining homes for neglected or dependent children, which association shall have been duly accredited as provided by law; the court may enter an order upon the county to pay to such association in accordance with the terms of the decree of commitment, such amount of money as may be necessary for the tuition, maintenance and care of such child, and upon the accredited officer of such association rendering proper account therefor, quarterly, the county board shall allow and order the same paid out of the county treasury; provided, that none of the moneys so paid to such association shall be used for any purpose other than the tuition, maintenance and care of such child. Provided, that no charge shall be made against the county on account of any dependent child in the care thereof who has been by such association put out to a trade or employment; provided, however, that no county shall be chargeable as provided in this section for the support of a dependent or neglected child unless such child is a resident of the county, except where the parent, parents or guardian of such child are unknown or where the child's place of residence cannot be learned: And provided further, that before the entry of an order upon the county to pay for the support of such dependent or neglected child, the court shall find that the president or chairman of the county board has had due notice of the pendency of said cause.

If the parent or parents of such dependent or neglected child are poor and unable to properly care for the said child, but are otherwise proper guardians and it is for the welfare of such child to remain at home, the court may enter an order finding such facts and fixing the amount of money necessary to enable the parent or parents to properly care for such child, and thereupon it shall be the duty of the County Board, through its County Agent or otherwise, to pay to such parent or parents, at such times as said order may designate the amount so specified for the care of such dependent or neglected child until the further order of the court. As amended by act approved June 21, 1923.

197. Guardian to be appointed.] § 8. Whenever a dependent, neglected or deliquent child is committed to an institution or association, the court shall appoint the president, secretary or superintendent of the institution or association, guardian over the person of the child and shall order the guardian to place the child in the institution or with the association, whereof he is such officer and to hold the child, care for, train and educate it subject to the rules and laws that are in force governing the institution or association. As amended by act approved July 9, 1943.

198. Delinquent children, custody of.] § 9. If the court finds that any male child under the age of seventeen years or any female child under the age of eighteen years is delinquent within the meaning of this Act, it may allow such child to remain at its own home subject to the friendly visitation of a probation officer. The child shall report to the probation officer as often as required. If the parents, parent, guardian or custodian consent thereto, or if the court further finds either that the parent, parents, guardian or custodian are unfit or improper guardians, or are unable or unwilling to care for, protect, train, educate or discipline the child and that it is for the interest of the child and of the State that the child be taken from the custody of its parents, parent, custodian or guardian, the court may appoint some proper person or probation officer, guardian over the person of the child and permit it to remain at its home, or order the guardian to cause the child to be placed, or boarded out, in some suitable family home, if provision is made by voluntary contribution or otherwise for the payment of the board; or the court may commit the child, if a male, to some training school for boys, or if a female, to an industrial school for girls, or to any institution incorporated under the laws of this State to care for delinquent children, or to any institution provided by the State, county, city, town or village suitable for the care of delinquent children, including the Illinois State Training School for Boys and the State Training School for Girls, or to a duly accredited association which embraces in its objects the care of neglected, dependent or delinquent children and which will receive the child. In every case where a child is committed to an institution or association, the court shall appoint the president, secretary or superintendent of the institution or association, guardian over the person of the child and shall order the guardian to hold the child, care for, train and educate it subject to the rules and laws governing such institution or association. As amended by act approved June 3, 1943.

199. Prosecution against delinquent child.] § 9a. The court may in its discretion in any case of a delinquent child permit such child to be proceeded against in accordance with the laws that may be in force in this State governing the commission of crimes or violations of city, village, or town ordinance. In such case the petition filed under this Act shall be dismissed. Added by act approved June 4, 1907.

200. Treatment in hospital.] § 9b. The court may, when the health or condition of any child found to be dependent, neglected or delinquent requires it, order the guardian to cause such child to be placed in a public hospital or institution for treatment or special care, or in a private hospital or institution which will receive it for like purposes, without charge to the public authorities. Added by act approved June 4, 1907.

201. Order of court to be authority.] § 9c. Any child found to be dependent, neglected or delinquent as defined in this Act, and awarded by the court to a guardian, institution or association, shall be held by such guardian, institution or association, as the case may be by virtue of the order entered of record in such case, and the clerk of the court shall issue and cause to be delivered to such guardian, institution or association a certified copy of such order of the court, which certified copy of such order shall be proof of the authority of such guardian, institution or association in behalf of such child, and no other process need issue to warrant the keeping of such child. The guardianship under this Act shall continue until the court shall by further order otherwise direct but not after such child shall have reached the age of twenty-one (21) years. Such child or any person interested in such child may from time to time upon a proper showing apply to the court for the appointment of a new guardian or the restoration of such child to the custody of its parents or for the discharge of the guardian so appointed. Added by act approved June 4, 1907.

202. Release on probation.] § 9d. Whenever it shall appear to the court before or after the appointment of a guardian under this Act that the home of the

child or of his parents, former guardian or custodian is a suitable place for such child and that such child could be permitted to remain or ordered to be returned to said home consistent with the public good and the good of such child, the court may enter an order to that effect returning such child to his home under probation, parole or otherwise; it being the intention of this Act that no child shall be taken away or kept out of his home or away from his parents and guardian any longer than is reasonably necessary to preserve the welfare of such child and the interest of this State: Provided, however, That no such order shall be entered without first giving ten days' notice to the guardian, institution or association to whose care such child has been committed, unless such guardian, institution or association consents to such order. Added by act approved June 4, 1907.

203. Report—Citation.] § 9e. The court may, from time to time, cite into court the guardian, institution or association to whose care any dependent, neglected or delinquent child has been awarded, and to require him or it to make a full, true and perfect report as to his or its doings in behalf of such child; and it shall be the duty of such guardian, institution or association, within ten days after such citation, to make such report either in writing verified by affidavit, or verbally under oath in open court, or otherwise as the court shall direct; and upon the hearing of such report, with or without further evidence, the court may, if it see fit, remove such guardian and appoint another in his stead, or take such child away from such institution or association and place it in another, or restore such child to the custody of its parents or former guardian or custodian. Added by act approved June 4, 1907.

203a. Payments by county for care and support.] § 9f. Whenever a child declared dependent or delinquent, is placed under the guardianship of a child placing agency or in an approved family home by order of the court, the court may enter an order upon the county to pay such amount of money as may be necessary for the care and support of the child, not to exceed the sum of $30.00 per month, payable monthly, to such agency or to the persons in whose family home the child has been placed. No county shall be so charged with any such care and support unless the child is a resident of the county, except where the parent, parents or guardian of the child are unknown or the child's place of residence is unknown nor unless the chairman of the county board has had reasonable notice of the pendency of the proceeding.

Every county board shall provide in the annual appropriation bill for payments for the care and support of dependent, neglected and delinquent children placed under the guardianship of a child placing agency or in an approved family home during the year in an amount as in the judgment of the court having jurisdiction under the Act hereinbefore described, may be needed for such purpose. The county treasurer shall file before the twentieth day of each month with the Auditor of Public Accounts an itemized statement of the amount of money paid by the county during the last preceding month under the provisions of this section, certified by the committing courts. Upon receipt of such statement, so certified, the Auditor of Public Accounts shall draw his warrant in favor of each county for one-half of the amount so certified, it being the purpose of this section to provide that the State shall reimburse counties to the extent of one-half the sums contributed by them under this section.

Before the fifteenth day of each month, the clerk of the court shall itemize all payments received by him under section 22 and shall pay the amounts thereof to the county treasurer. The county treasurer shall transmit one-half of all such sums received by him from the clerks of such courts, to the Auditor of Public Accounts. Added by act approved July 9, 1943.

204. Cases before justice and police magistrate.] § 10. When in any county where a court is held as provided in section 3 of this Act, a male child under the age of seventeen years or a female child under the age of eighteen years is arrested with or without warrant such child may, instead of being taken before a justice of the peace or police magistrate, be taken directly before such court; or if the child is taken before a justice of the peace or police magistrate, it shall be the duty of such justice of the peace or police magistrate to transfer the case to such court, and the officer having the child in charge to take the child before such court, and, in any case the court may proceed to hear and dispose of the case in the same manner as if the child had been brought before the court upon petition as herein provided. In any case, the court shall require notice to be given and investigation to be made as in other cases under this Act, and may adjourn the hearing from time to time for that purpose. As amended by act approved May 16, 1905.

205. Children under twelve years not to be placed in jail.] § 11. No court or magistrate shall commit a child under twelve (12) years of age to a jail or police station, but if such child is unable to give bail, it may be committed to the care of the sheriff, police officer or probation officer, who shall keep such child in some suitable place provided by the City or County outside of the inclosure of any jail or police station. When any child shall be sentenced to confinement in any institution to which adult convicts are sentenced, it shall be unlawful to confine such child in the same building with such adult convicts, or to confine such child in the same yard or enclosure with such adult convicts, or to bring such child into any yard or building in which such adult convicts may be present.

206. Supervision over paroled children.] § 12. The Department of Public Welfare with respect to any institution under its control or jurisdiction to which juvenile delinquents are committed by the courts, shall examine the homes of children paroled from the institution, for the purpose of ascertaining and reporting to the court whether they are suitable homes. The Department shall assist children paroled or discharged from such institution in finding suitable employment, and maintain a friendly supervision over paroled inmates during the continuance of their parole. As amended by act approved June 3, 1943.

207. Associations subject to supervision.] § 13. All associations receiving children under this Act shall be subject to the same visitation, inspection and supervision by the Department of Public Welfare as are the public charitable institutions of this State. The Department shall pass annually upon the fitness of every such association as may receive, or desire to receive, children under the provisions of this Act, and every such association shall annually, at such time as the Department directs, make report thereto, showing its condition, management and competency to adequately care for such children as are, or may be, committed to it, and such other facts as the Department requires. If the Department is satisfied that such association is competent and has adequate facilities to care for such children, it shall issue a certificate to that effect which shall continue in force for one (1) year, unless sooner revoked by the Department. No child shall be committed to an association which has not received such a certificate within fifteen (15) months next preceding the commitment. The court may, at any time, require from any association, receiving or desiring to receive, children under this Act, such reports, information and statements as the judge deems necessary for his action, and the court shall in no case be required to commit a child to any association whose standing, conduct or care of children, or ability to care for them is not satisfactory to the court. As amended by act approved June 3, 1943.

208. Associations for care of children.] § 14. No association whose objects may embrace the caring for dependent, neglected or delinquent children shall hereafter be incorporated unless the proposed articles of incorporation shall first be submitted to the examination of the Department of Public Welfare, and the Secretary of State shall not issue a certificate of incorporation unless there shall first be filed in his office the certificate of the Department that the Department has examined the articles of incorporation and that, in its judgment, the incorporators are reputable and responsible persons, the proposed work is needed, and the incorporation of such association is desirable and for the public good. Amendments proposed to the articles of incorporation shall be submitted in like manner to the Department of Public Welfare, and the Secretary of State shall not record such amendment or issue his certificate therefor unless there is first filed in his office the certificate of the Department that it has examined the amendments, that the association in question is, in its judgment, performing in good faith the work undertaken by it, and that the amendments are in the Department's judgment, proper and for the public good. As amended by act approved June 3, 1943.

209. Petition for adoption of child.] § 15. Whenever the petition filed as is provided in section 3 hereof, or a supplemental petition filed at any time after the appointment of the guardian shall pray that the guardian to be appointed shall be authorized to consent to the legal adoption of the child, and the court upon the hearing shall find that it is to the best interest of such child that the guardian be given such authority, the court may, in its order appointing such guardian, empower him to appear in court where any proceedings for the adoption of such child may be pending, and to consent to such adoption; and such consent shall be sufficient to authorize the court where the adoption proceedings are pending to enter a proper order or decree of adoption without further notice to, or consent by the parents or

relatives of such child: Provided, however, That before entering such order the court shall find from the evidence that (1) the parents or surviving parent of a legitimate child or the mother of an illegitimate child, or if the child has no parents living the guardian of the child, if any, or if there is no parent living and the child has no guardian or the guardian is not known to petitioner, then a near relative of the child, if any there be, consents to such order; or, (2) that one parent consents and the other is unfit for any of the reasons hereinafter specified to have the child or that both parents are or that the surviving parent or the mother of an illegitimate child is so unfit for any of such reasons—the grounds of unfitness being (a) depravity, (b) open and notorious adultery or fornication, (c) habitual drunkenness for the space of one year prior to the filing of the petition, (d) extreme and repeated cruelty to the child, (e) abandonment of the child or (f) desertion of the child for more than six (6) months next preceding the filing of the petition. As amended by act approved June 4, 1907.

[Apparently the reference made to "Section 3" is a mistake, and should read "Section 4."]

210. Foreign corporations—Penalty.] § 16. No association which is incorporated under the laws of any other State than the State of Illinois, shall place any child in any family home within the boundaries of the State of Illinois either with or without indenture, or for adoption, unless the said association shall have furnished the board of State commissioners of public charities with such guarantee, as they may require that no child shall be brought into the State of Illinois by such society or its agents, having any contagious or incurable disease, or having any deformity, or being of feeble mind, or of vicious character, and that said association will promptly receive and remove from the State any child brought into the State of Illinois by its agent, which shall become a public charge within the period of five (5) years after being brought into this State. Any person who shall receive to be placed in a home, or shall place in a home, any child in behalf of any association, incorporated in any other State than the State of Illinois, which shall not have complied with the requirements of this Act shall be imprisoned in the county jail not more than thirty days, or fined not less than $5.00, or more than one hundred ($100.00) dollars, or both in the discretion of the court.

211. Religious belief of parent.] § 17. The Court in committing children shall place them as far as practicable in the care and custody of some individual holding the same religious belief as the parents of said child, or with some association which is controlled by persons of like religious faith of the parents of the said child.

212. County board of visitation.] § 18. Each county judge may appoint a board of visitation of six reputable inhabitants to serve without compensation. The board shall visit as often as once a year, all institutions, societies and associations receiving children under this Act. Visits shall be made by not less than two of the members of the board who shall go together or make a joint report. The board of visitors shall report to the court, from time to time, the condition of children received by, or in the charge of such associations and institutions, and shall make an annual report to the Department of Public Welfare, in such form as the Department prescribes. The county board may make appropriations for the payment of the actual and necessary expenses incurred by the visitors in the discharge of their official duties. As amended by act approved June 3, 1943.

213. Powers and duties of juvenile court.] § 19. The powers and duties herein provided to be exercised by the county court or the judges thereof, may, in counties having over 500,000 population, be exercised by the circuit courts and their judges as hereinbefore provided for.

214. Industrial and training schools not affected.] § 20. Nothing in this Act shall be construed to repeal any portion of the act to aid industrial schools for girls, the act to provide for an* aid training school for boys, the act to establish the Illinois State Reformatory, or the act to provide for a State Home for Juvenile Female Offenders, and in all commitments to said institutions, the acts in reference to said institutions may govern the same, except that in commitments to the State Home for Juvenile Female Offenders at Geneva, Illinois, either this Act or the acts in reference to said institutions shall govern the same and in all proceedings and papers, said institution may be designated as a "State Training School for Girls," and such

* So in L. 1905. Laws 1899 reads "and."

designation shall be taken and held to have the same legal effect as if the name "State Home for Juvenile Female Offenders" were used therein. As amended by act approved May 16, 1905.

215. Construction of act.] § 21. This Act shall be liberally construed to the end that its purpose may be carried out, to-wit: That the care, custody and discipline of a child shall approximate as nearly as may be that which should be given by its parents, and in all cases where it can properly be done, the child be placed in an improved family home and become a member of the family by legal adoption or otherwise.

216. Support of child by parent, etc.] § 22. If it shall appear, upon the hearing of the cause that the parent, parents, or any person or persons named in such petition who are in law liable for the support of such child, are able to contribute to the support of such child, the court shall enter an order requiring such parent, parents or other persons to pay to the guardian so appointed or to the institution to which such child may be committed, a reasonable sum from time to time for the support, maintenance or education of such child and the court may order such parent, parents or other persons to give reasonable security for the payment of such sum or sums and upon failure to pay, the court may enforce obedience to such order by a proceeding as for contempt of court. The court may, on application and on such notice as the court may direct from time to time, make such alterations in the allowance as shall appear reasonable and proper. As amended by act approved June 4, 1907.

217. Compelling assignment of wages, etc.] § 23. If the person so ordered to pay for the support, maintenance or education of a dependent, neglected or delinquent child shall be employed for wages, salary or commission, the court may also order that the sum to be paid by him shall be paid to the guardian or institution out of his wages, salary or commission and that he shall execute an assignment thereof *pro tanto*. The court may also order the parent or the person so ordered to pay the sum of money for the support, maintenance or education of a child, from time to time make discovery to the court as to his place of employment and amount earned by him. Upon his failure to obey the orders of court he may be punished as for contempt of court. Added by act approved June 4, 1907.

218. Act not to give to guardian child's estate or change age of minority.] § 24. Nothing in this Act shall be construed to give the guardian appointed under this Act the guardianship of the estate of the child or to change the age of minority for any other purpose except the custody of the child. Added by act approved June 4, 1907.

219. Partial invalidity.] § 25. The invalidity of any portion of this act shall not effect [affect] the validity of any other portion thereof which can be given effect without such invalid part. Added by act approved June 4, 1907.

220. Review.] § 26. Cases under this Act may be reviewed by writ of error. Added by act approved June 4, 1907.

(*Ill. Rev. Stat.* 1943; Chap. 23, Sec. 190-220.)

The Division of Child Welfare, Department of Public Welfare, administers the licensing and supervision of child welfare agencies, family homes, and day nurseries provided for in the following statutes.

Placement of Children in Homes

AN ACT to provide for the licensing and supervision of child welfare agencies and family homes, to regulate the visitation, placement, importation, and transfer of children, and to repeal certain acts therein named. Approved July 10, 1933.

299a. Terms defined.] § 1. For the purposes of this Act:

"Child welfare agency" means any person or any institution, whether public or private, incorporated or unincorporated, receiving with or without transfer of custody, one or more neglected, delinquent or dependent children not related by blood or marriage, unattended by parent or guardian, for the purpose of providing such children with care and maintenance, part time or all the time, or of placing them in foster homes, whether for gain or otherwise. This term shall include day

nurseries, training schools for boys and industrial schools for girls, but shall not apply to any boarding school in which graded educational instruction is given.

"Family home" means the place of residence of any person who receives therein for gain or otherwise one or more children, sixteen years of age or under for control, care and maintenance, with or without transfer of custody, who are not related to such person and whose parents or guardian are not resident in the same house except not more than two children upon commitment by a court of competent jurisdiction. "Department" means the Department of Public Welfare.

299b. License required for child welfare agency or family home.] § 2. No person shall act as a child welfare agency or conduct a family home without a license. Applications for such license shall be made to the department upon blanks furnished by it. Upon receipt of the application in proper form, the department shall examine the agency or home making application, or in the case of a family home may designate a duly licensed child welfare agency or other suitable agency or person to make such examination. If the department upon such examination shall be satisfied as to the qualifications and standards of care of the applicant, it shall issue to the applicant a license to act as a child welfare agency or family home for one year. Such license shall be issued in the manner and form prescribed by the department.

299c. Examination of agency or home.] § 3. The Department shall annually examine every child welfare agency and family home in the State as herein defined, but in the case of a family home such examination may be made by a duly licensed child welfare agency or other suitable agency or person designated by the department as its agent for that purpose. If upon examination the department finds that an agency or home is maintaining adequate standards of care, it shall renew the license of such agency or home without requiring further proof of application of such agency or home; no license shall be renewed without such an examination by the department. No more than four children shall be placed in a family home unless all of such children are members of the same family.

299d. Unlicensed agency or home.] § 4. Whenever the department shall be advised or shall have reason to believe that any person is acting as a child welfare agency or family home in this State without being licensed as provided in this Act, it shall cause an investigation to be made to ascertain the facts. If it finds such person is so acting without a license, it may cause a criminal prosecution to be instituted under the terms of this Act.

299e. Revocation or refusal to renew license.] § 5. The department may revoke or refuse to renew any license of a child welfare agency or family home in case the licensee shall:

(1) substantially and wilfully violate any provision of such license;

(2) intentionally make any false statement or report to the department; or

(3) be no longer qualified to receive or care for children under the terms of this Act.

No license to a child welfare agency or family home shall be revoked nor renewal denied unless the licensee is given notice in writing of the grounds for such proposed revocation, a public hearing upon at least twenty days written notice, and an opportunity thereat to present testimony and confront witnesses. Such notice shall be given by personal service thereof on the licensee at the address in such license specified.

Upon the hearing of such proceeding the director of public welfare and the assistant director of public welfare may administer oaths and the department may procure, by its subpoena, the attendance of witnesses and the production of relevant books and papers.

Any judge of the circuit court, either in term time or in vacation, upon application either of the accused or by the department, may, by order duly entered, require the attendance of witnesses and the production of relevant books and papers before the department in any hearing relating to the refusal or revocation of licenses. Upon refusal or neglect to obey the order of the court or judge, the court or judge may compel, by proceedings for contempt of court, obedience of its or his order.

299f. Reports by licensee.] § 6. Every holder of a license under this Act shall report to the department whenever called upon, on forms prescribed by the

department giving the name, age and sex of each child received, the date received, the names and addresses of the parents, parent or legal guardian, the date of birth of the child, the date when the child left the child welfare agency and the names and addresses of the persons with whom such child shall be placed and such other facts relating to the standards herein prescribed and which the department may require.

299g. Visitation of children.] § 7. The department shall visit all children placed in family homes and shall prescribe all rules and regulations relating to such visitation. In lieu of visitation by the department, the department may permit the child to be visited by an agent of the child welfare agency which placed the child in the home, and may accept the report of such agent. Such visit shall be made in accordance with the rules of the department and reported on blanks provided by the department. No such permission shall be given unless the department shall have visited a sufficient number of the wards of such child welfare agency to enable it to ascertain the quality of the work done by such agency. After a child has been legally adopted in accordance with the laws of the State of Illinois, it shall no longer be subject to the visitation provided for in this Act.

299h. Commitment of children by court.] § 8. Any court of competent jurisdiction may at any time require from any child welfare agency which desires to receive children under "An Act relating to children who are now or may hereafter become dependent, neglected or delinquent, to define these terms, and to provide for the treatment, control, maintenance, adoption and guardianship of the persons of such children," approved April 21, 1899, as amended, or any Act intended as a substitute therefor, or to which such court has already committed one or more children, whatever reports and information the court shall desire. It shall be the duty of such agency to return a full, true and complete report within ten days after such request, which shall be either in writing verified by affidavit, or under oath in open court or otherwise as the court shall direct. Upon hearing such evidence the court, if not satisfied as to the competence and qualifications of the agency, may refuse to commit children thereto in the future, or it may transfer from its custody to that of another agency, or to its parents or other guardian any child or children which the court had previously committed thereto.

299i. Approval of incorporation by Department of Public Welfare.] § 9. No child welfare agency shall be incorporated unless the proposed articles of incorporation first are submitted to the examination of the Department of Public Welfare. The Secretary of State shall not issue a certificate of incorporation unless there first is filed in his office the certificate of said Department of Public Welfare certifying that the department has examined the said articles of incorporation and that, in its judgment, the incorporators are reputable and responsible persons, the proposed work is needed, and the incorporation of such agency is desirable and for the public good. Amendments proposed to the articles of incorporation or association having as an object the care and disposal of dependent, neglected or delinquent children shall be submitted in like manner to the Department of Public Welfare, and the Secretary of State shall not record such amendment or issue his certificate therefor unless there first is filed in his office the certificate of the department certifying that the department has examined the said amendment, that the agency in question is, in its judgment, performing in good faith the work undertaken by it, and that the said amendment is a proper one and for the public good.

299j. Reports in case child brought into State.] § 10. Any person bringing or sending a child into this State shall report to the department at least once each year and at such other times as the department may require on forms prepared and supplied by the department. Such reports shall be made until such child becomes legally adopted. The department shall have power and authority to make all necessary rules and regulations for the enforcement of this section, and all persons bringing or sending children into this State shall comply with all such rules and regulations.

299k. Penalties. § 11. Whoever

1. acts as a child welfare agency or family home without a license so to do;
2. makes materially false statements in order to obtain a license;
3. issues a license without authority;
4. fails to keep the records and make the reports provided for in Section 6 of this Act;

5. advertises any service not authorized by license held; or

6. violates any reasonable rule or regulation adopted by the department for the enforcement of the provisions of this Act; is guilty of a misdemeanor, and shall be fined not less than twenty-five ($25.00) dollars, nor more than five hundred ($500.00) dollars, or be imprisoned in the county jail not longer than one year, or be both fined and imprisoned, and such term of imprisonment in case of an association or incorporation may be imposed upon its officers who participated in such violation.

In a prosecution under this Act, a defendant who relies upon the relationship of any child to himself shall have the burden of proof as to such relationship.

299l Partial invalidity.] § 12. If any of the provisions of this Act are unconstitutional, it is the intent of the General Assembly that so far as possible the remaining provisions be given effect.

299m. Repeal.] § 13.

(*Ill. Rev. Stat.* 1943; Chap. 23, Sec. 299a-299m.)

AN ACT to revise the laws relating to charities. Approved June 11, 1912.

Sections 2-29 omitted. See pages 74-79 of this publication.

30. Visitation of children—Supervision of associations.] § 30. The Department of Public Welfare shall have all the powers and perform all the duties in regard to the visitation of children placed in family homes and the incorporation, supervision and licensing of associations whose objects may embrace the care of dependent, neglected or delinquent children, which were heretofore vested by law in the Board of Administration. The Department may in its discretion revoke any license it has granted. Any superintendent or responsible head of an institution, or any association mentioned in this section or in paragraph 9, of section 4 of this Act, conducting such association without such license shall be punished by a fine of not less than fifty ($50) dollars nor more than one thousand ($1,000) dollars As amended by act approved June 29, 1943.

Sections 31-34 omitted.

(*Ill. Rev. Stat.* 1943; Chap. 23, Sec. 30.)

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